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OBSERVING THE 2002 JAMAICA
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OBSERVING THE 2002 JAMAICA PARLIAMENTARY ELECTIONS

FINAL REPORT

Written by Laura Neuman



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THE AMERICAS PROGRAM

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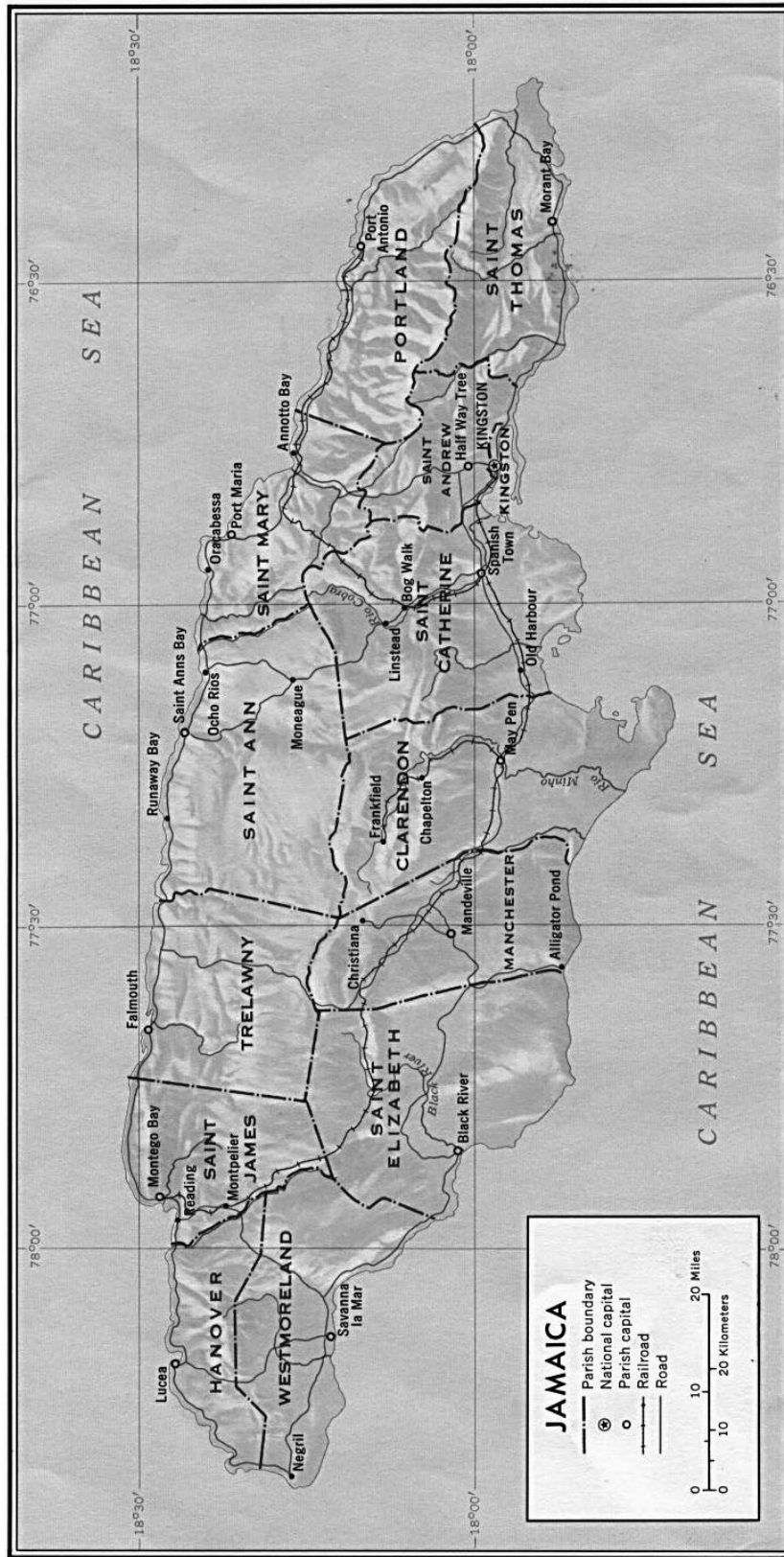




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LIST OF DELEGATES

THE CARTER CENTER JAMAICA ELECTIONS 2002

Delegation Leaders

The Honorable Jimmy Carter, 39th President of the United States of America and Council Chair, Georgia, USA
The Honorable Miguel Angel Rodriguez, Former President of Costa Rica

Delegation

Mr. Gordon Alphonso, Partner, Troutman Sanders LLP, Georgetown, Guyana
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Ms. Sika Awoonor, Vice President, Strategic Planning and Communications, GoodWorks International, L.L.C., Accra, Ghana
Mrs. Beatriz Bedoya, Director of International Affairs, Office of President Sánchez de Lozada, La Paz, Bolivia
Mr. Mike Berkow*, Chief of Police, Irvine Police Department, Irvine, California, USA
Mr. Simon Boyle, Electoral Official, Johannesburg, South Africa
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Dr. Rosemary Brana-Shute, Associate Professor, History Department, College of Charleston and Associate Director, Program in the Carolina Low Country and the Atlantic World, Charleston, South Carolina, USA
Ms. Cristiana Chamorro, Founder and Director, Foundation Violeta Barrios de Chamorro, and Representative of Council Member Violeta Chamorro, Managua, Nicaragua
Mr. Hugh Cholmondeley, Retired UN Official and Communications, Development, Disaster Management and Conflict Resolution Specialist, Georgetown, Guyana
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- Dr. John Hardman**, Executive Director, The Carter Center, Atlanta, Georgia, USA
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- Dr. Joyce Jones**, Dean of Students, Augusta State University, Augusta, Georgia, USA
- Dr. Xandra Kayden**, Senior Fellow, School of Public Policy and Social Research, University of California-Los Angeles, Los Angeles, California, USA
- Mr. Jeff Kermode**, Lieutenant, Former Special Operations Unit (SWAT) Commander, Irvine Police Department, Irvine, California, USA
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- Ms. Casey Margard**, Former Program Officer for the Program for Appropriate Technology in Health, Seattle, Washington, USA
- Mr. Manfredo Marroquin**, Executive Director, Acción Ciudadana, Guatemala City, Guatemala
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- Ms. Laura Neuman, J.D.***, Senior Program Associate, Americas Program, and Field Office Director in Jamaica, The Carter Center, Atlanta, Georgia, USA
- Mr. Clement Nwankwo**, Executive Director, Constitutional Rights Project, Lagos, Nigeria
- Mr. Rodolfo Paiz**, Former Finance Minister of Guatemala, Guatemala City, Guatemala
- Judge Carolyn Parr***, Judge (ret.), United States Tax Court, Washington, D.C., USA
- Mr. Robert Patterson***, Former Chief Electoral Officer, Province of British Columbia, Victoria, British Columbia, Canada
- Dr. Anthony Payne**, Professor of Politics, University of Sheffield, Manchester, United Kingdom
- Dr. David Pottie**, Senior Program Associate, Democracy Program, The Carter Center, Ottawa, Canada
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Mrs. Sara Tindall Ghazal, Senior Associate Director of Development, The Carter Center, Atlanta, Georgia, USA
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Ms. Akissi Stokes, Financial Analyst, Peace Programs, The Carter Center, Atlanta, Georgia, USA
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Ms. Lisa Wiley, Director of Events, The Carter Center, Atlanta, Georgia, USA

* Delegates serving as medium-term observers



REBEKAH RALEIGH

The Carter Center delegation was comprised of 68 observers from 16 countries.



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FOREWORD

In 1997, The Carter Center was the first and only international organization invited to observe the parliamentary elections in Jamaica. For our involvement to be possible, amendments to the Jamaican electoral law were necessary. Much has changed in Jamaica over the past five years as this mature democracy has further deepened and embraced an era of openness and accountability. These changes were evident in the straightforward and unrestricted invitation that The Carter Center and other international organizations received to observe the 2002 national elections and in the manner in which this election was administered.

Once again, the electoral officials, the political parties, the security forces, and all citizens of Jamaica warmly welcomed The Carter Center and our delegates. These same groups and individuals worked together to ensure that the 2002 parliamentary elections were relatively free of violence and that the electoral process ran smoothly. We were gratified to note that the Electoral Advisory Committee and Electoral Office of Jamaica instituted a number of the recommendations that we had made following the last general election.

It is our general conclusion that the election provided an adequate opportunity for the will of the people to be expressed and that the results properly reflect the ballots cast. The reforms implemented, such as nonpartisan election day workers and an accepted voters list, helped to ensure the election's ultimate success. As with any system, there remains room for improvement, and this report seeks to examine the entire electoral process, from the pre-election preparations through appeals resolution, and provides additional recommendations.

The leaders of the two main political parties should be commended for the spirit in which they contested the election and the graciousness with which each

spoke following the announcement of the results. Their commitment to the political code of conduct helped stem the tide of political violence that has been present in so many of Jamaica's elections and threatened to undermine this election day.

Nevertheless, Jamaica must still face the greatest obstacle to its democracy, the continuation of the so-called "garrison communities" and the fierce political tribalism that they represent. These areas illustrate much of the fear and intimidation that we witnessed during the 2002 elections and remain a constant threat to Jamaica's internal security and innovative economic and political reform efforts. I am certain that through a frank and honest national dialogue and a willingness to tackle this complex issue, as well as international support and cooperation, Jamaicans ultimately will break down the garrison walls.

I would like to thank former Costa Rican President Miguel Angel Rodriguez for serving as delegation co-leader and Dr. John Hardman, Dr. Jennifer McCoy, and Laura Neuman for serving on the leadership team. I also wish to thank all the experts who joined Laura Neuman on the pre-election assessment missions and who served so diligently as medium-term observers. Dedication and enthusiasm of the many international delegates and Carter Center staff served to raise our impact and stature, and I thank them for their efforts.

Finally, I would like to congratulate once again the electoral administration, the political ombudsman, the security forces, and the political parties for their leadership, the time that they spent with our delegation, and their continued commitment to Jamaica. ■



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ACKNOWLEDGMENTS

The Carter Center mission was made possible with the hard work of many dedicated staff and volunteers and with the warmth and welcome of the Jamaican citizens.

This observation was unique for the Carter Center's Americas Program in that it combined medium-term observers and expert consultants and asked them all to provide three weeks of their time to observe the democratic traditions of Jamaica prosper. Additionally, we had the inimitable challenge of not knowing the date of the election. We had good reason to believe that the elections would be held sometime in 2002, but only Prime Minister Patterson knew when. This caused us much stress as we sought to prepare in advance for a large international delegation, but with no possibility to plan fully. Nevertheless, we were privileged that such a diverse and experienced group of volunteers and experts were willing to share their talents with our delegation and were prepared to leave home with very short notice.

When the elections were announced on Sept. 22, 2002, we went into high gear. Amy Sterner, Jamaica project assistant, and I left for Kingston three days later, with boxes of materials and equipment to set up our Jamaica field office. With the help of The Courtleigh Hotel, the field office was up and running by Sept. 27, when the medium-term observers and expert consultants began to arrive.

Experts Ron Gould, Tom Haney, and John Harker were already familiar with the electoral situation, as they had joined me on our pre-election assessment missions in May and August, respectively. Other expert consultants joining us in Kingston were Amanda Sives, Mike Berkow, and Luis Alberto Cordero. Their insights, ideas, and sage advice helped shape the Jamaica mission and keep us on track.



REBEKAH RALEIGH

Medium-term delegates sit with President Carter following three weeks of observation.

The medium-term observers, who stayed in Jamaica for over three weeks, skillfully represented The Carter Center in their assigned constituency, getting to know the communities and providing perceptive reports that helped inform our mission and apprise the short-term delegates. The medium-term observers included Maria Rubiales, Bob Patterson, Ann Lewis, Mary Ambeault, Carolyn Parr, Nicolas Fernandez Bravo, and Chris Stevenson. I was continuously impressed with the dedication and energy that the medium-term observer and consultant team exhibited.

With just two weeks notice, The Carter Center was able to mount one of our strongest, and certainly one of our largest, delegations. To a person, the short-term observers added a unique perspective, expertise, and good humor to our delegation. We were fortunate to unite this group of experienced and professional delegates.

However, none of this would have been possible without the tireless efforts of Amy Sterner. Amy



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traveled to Jamaica a number of times and worked for months to help ensure the success of this project. She took on any task that we threw at her, and some that she came up with on her own initiative, and excelled.

The Carter Center is blessed with an incredible staff, and many of them contributed to the achievements of the Jamaica election project. Jennifer McCoy, director of the Americas Program, was engaged from the first pre-election assessment mission through the election and helped edit this report. Her elections experience and involvement in the 1997 Jamaica mission were critical in designing the project and in our analysis of the electoral process.

The Carter Center's Conflict Resolution Program staff; Matthew Hodes, senior associate director; and Jeffrey Mapendere, senior program associate, helped us to develop the conflict prevention and resolution observation methodology and walked us through many of the technical aspects of their field. Jeffrey also joined us in Jamaica, both for nomination day as well as during the electoral moment. David Pottie, senior program associate with the Carter Center's Democracy Program, is a well-known elections expert. His participation in the May pre-assessment mission and during the election was key in assessing the political and electoral preparedness and developing observation methods that would touch on these areas.

As the election drew near, our field office filled with the Carter Center's most competent organizers and analysts. Lisa Wiley, Carter Center events manager, and Akissi Stokes, financial analyst, kept the office running and ensured that all details were covered and paid for. Assisting in the office were former Americas Program interns (and wonderful professionals) Alison Paul and Lauren Dick, present interns Nora Todd and Lisa Carse, and Sharon Northover. Also joining us on the mission were the Carter Center's executive director, John Hardman, who formed a part of the leadership team; Kay Torrance, public information assistant director, who organized the press conferences and worked directly with our skilled photographer, Rebekah Raleigh;

Sara Ghazal, senior associate director for development, who accompanied our observers; and President Carter's scheduler, Nancy Konigsmark.

Much of the organization of a Carter Center international election mission is accomplished in Atlanta. We were lucky to have a dedicated group of colleagues who provided the logistical support necessary to make this mission function. These persons included Shelley McConnell, Americas Program associate director, and Daniel Gracia, program assistant; Gordon Streeb, associate executive director, peace programs; Tom Eberhardt, assistant director of finance, peace programs; Janet Bargeron, administrative assistant; and a number of past interns that followed the Jamaican news. Intern Katie Caro and Sarah Fedota, assistant director of public information, assisted greatly in finishing this report. Amy Sterner, John Harker, Ron Gould, and Amanda Sives contributed their thoughts and writing to make this report complete.

The Carter Center is home to the Council of Presidents and Prime Ministers, a group of 35 past and present heads of state chaired by President Carter. Members of the council often join President and Mrs. Carter in our work in this hemisphere. In Jamaica, we were honored by the presence and wisdom of President Carter and former President of Costa Rica Miguel Angel Rodriguez.

However, our work would not have succeeded without the welcome of any number of individuals and groups in Jamaica, and I would like to acknowledge the vast amount of time that they spent with the Carter Center team and me. At the risk of offending those that I do not name, I would like to particularly thank Bishop Blair and his staff; Police Commissioner Forbes and the hundreds of officers that opened their doors and provided information to our security experts and me; Hadley Lewin and the outstanding Jamaica Defence Force; members of the PNP team, including Prime Minister Patterson, Burchell Whiteman, Maxine Henry-Wilson, Peter Phillips, Paul Robertson and all the candidates; members of the JLP team,



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including leader of the opposition Edward Seaga, Ryan Peralto, Prudence Kidd-Deans, Olivia “Babsy” Grange, Dorothy Lightbourne, and all the candidates; members of the NJA team, including Hyacinth Bennett, Rev. Miller, and all the candidates; our observer partners from CAFFE, particularly Lloyd Barnett, Fabian Brown, Nancy Anderson, Ouida Ridgard, Father Jim Webb, and all the CAFFE coordinators and volunteers; and Trevor Munroe, Monsignor Albert, Oliver Clarke, William Chin-See, D.K. Duncan, Tony Meyers, and Carolyn Gomes for providing invaluable insights and advice.

There are two individuals and organizations that I wish to provide a special acknowledgment, Danville Walker and his EOJ team and professor Errol Miller and the members of the EAC. The openness and willingness of these critically busy professionals to meet with our delegation on multiple occasions

during the pre-election assessments, campaign, and election period, ensured that we were well-versed in the Jamaican electoral process and could, thus, provide more informed observations.

Finally, I would like to thank all Jamaicans for the warmth with which they greeted The Carter Center and for continuously demonstrating their commitment and desire for a peaceful election, free from violence and intimidation. I learned much from their example.

The mission was funded through generous grants from the United States Agency for International Development and the Canadian International Development Agency. We received further support from the Ford Foundation, the British High Commission, and the South African High Commission. All of the views found in this report are those of The Carter Center and do not necessarily reflect the opinions of our donors. ■



KEY ELECTION TERMS AND ABBREVIATIONS

CAFFE	Citizens Action for Free and Fair Elections. Domestic observer group in Jamaica established in 1997.
Constituency	Electoral districts. There are 60 constituencies in Jamaica, each of which elects a representative to the House of Representatives, the elected body of Jamaica's bicameral legislature. (The Senate is filled by appointment.)
EAC	Electoral Advisory Committee, a supervisory council to the EOJ. The EAC has five members: one representative from PNP, one representative from JLP, and three independent members including the chairman, who is currently Professor Errol Miller. Both the PNP and the JLP are allowed one alternative member as well; they do not vote.
Elections Centre	Designed and established by EAC to receive and process election-related information and facilitate discussion of and resolution of reported difficulties. The Centre provides a location for the participating representatives of the electoral authorities, political parties, CAFFE, and security forces to meet.
EOJ	Elections Office of Jamaica, the administrative agency in charge of organizing elections. It is headed by the director of elections, Mr. Danville Walker, who is also chief electoral officer.
The Gleaner	Jamaican daily newspaper. Online, see http://www.jamaica-gleaner.com
Indoor Agent	Party poll watcher (each party is permitted one indoor agent per polling station).
JANU	Jamaica Alliance for National Unity, led by church leader Al Miller and part of NJA.
JCF	Jamaica Constabulary Force (police force), led by Commander Francis Forbes.
JDF	Jamaica Defence Force, led by Rear Admiral Hardley Lewin.
JFJ	Jamaicans for Justice, large human rights civil society organization.
JLP	Jamaica Labour Party
NDM	National Democratic Movement, now part of the NJA.
NJA	National Jamaica Alliance
Nomination Day	Day on which the parties file all papers to nominate their candidates. Occurs in each constituency on same day, which is at least five days after the calling of elections. This election held on Sept. 30, 2002.



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The Observer	Jamaican daily newspaper. Online, see http://www.jamaicaobserver.com
Outdoor Agent	Party poll watcher who is permitted outside of the polling station (each party is permitted one outdoor agent per polling station).
Parish	Nonelectoral administrative unit. Jamaica has 14 parishes.
PNP	People's National Party
Poll Book	Book which sets out the names and particulars of voters with right to cast ballot at the particular polling station.
Poll Clerk	Electoral official who assists with the administration of the election in a polling station.
Polling Center	A cluster of two or more polling stations in the same location.
Polling Division	An administrative division of voters within a constituency. A polling station belongs to each polling division.
Polling Station	The location of a ballot box corresponding to a maximum of 250 electors within a polling division. Usually the polling station is located in the polling division to which it belongs. Occasionally the polling station has been moved to a nearby polling division in an effort to cluster several polling stations to form a polling center.
Presiding Officer	The lead electoral officer who, with the assistance of a poll clerk, administers the elections within a polling station.
PSOJ	Private Sector Organization of Jamaica, an association of leaders in Jamaican business.
Region	Electoral administrative unit; the 14 parishes are grouped into eight regions.
Regional Supervisor	Electoral officer who manages a region; the returning officers within his/her region report to the regional supervisor.
Rejected Ballot	A ballot that is found in ballot box either unmarked or so improperly marked that in the opinion of the presiding officer or returning officer it cannot be counted.
Returning Officer	Electoral officer who manages one of the 60 constituencies.
Spoiled Ballot	A ballot that is found on election day to be damaged or improperly printed or the voter erroneously marked before putting in ballot box. A voter can request a new ballot to replace spoiled ballot.
UPP	United People's Party



EXECUTIVE SUMMARY

1. OVERVIEW

Following the 1997 elections, the Jamaican electoral authorities instituted a number of reforms to improve the electoral process and increase voter confidence in its credibility. Measures such as purifying the electoral registry, appointing a nonpartisan corps of election day workers, and instituting a policy of consultative decision-making underpinned these successful administrative efforts. More difficult to address than the technical components of the election, however, was the continuing fear of violence and intimidation. Innovative models of conflict prevention and resolution were designed and, to a greater or lesser degree, implemented. Overall, The Carter Center found the 2002 Jamaican elections to be exemplary in its organization and preparations and to reflect adequately the will of the people. Nevertheless, we remain concerned over the violence during the campaign period and the voter intimidation that persisted in these elections, as well as the deleterious effect of the political tribalism and garrison phenomenon.

2. POLITICAL BACKGROUND

The 2002 Jamaica parliamentary elections occurred in a period of heightened personal insecurity and economic troubles. In 2002, Jamaica topped the Western Hemisphere with the most murders per capita—1,139. Much of this violence occurred in the garrison communities, areas where one political party dominated. Politics in Jamaica remained a “fight for scarce benefits and political spoils.” Many believed that the cause of violence was a combination of gangs and politics. The increasing narco-traffic and illegal gun flow through Jamaica exacerbated the situation.

The old guard continued to lead the two main political parties, and for each the electoral stakes were high. Prime Minister PJ Patterson was hoping to lead the People’s National Party (PNP) to an unprecedented fourth term in office, thus solidifying his place in history and his ability to choose his successor. Opposition leader Edward Seaga was facing possibly his best, and last, chance to return the Jamaica Labour Party (JLP) to government. Another loss could put in question both the party organization and his leadership. The polls indicated that the two parties were equally favored.

3. VOTING AND ELECTORAL BACKGROUND

Elections in Jamaica have historically been conflictive, with over 500 murders in the 1980 election period. Even so, since independence, the country has enjoyed 14 successful national elections and five democratic regime changes between the PNP and JLP. The Electoral Advisory Committee (EAC) and the Electoral Office of Jamaica (EOJ) are the main bodies responsible for administering the elections in the 60 electoral constituencies. Elections in Jamaica occur at least every five years, and as with other Westminster systems, the election date is determined by the prime minister. On Sept. 22, 2002, Prime Minister Patterson announced the election, and the general election was held on Oct. 16. Like Great Britain, Jamaica uses the first-past-the-post electoral method, rather than proportional representation, whereby the candidate with the most votes in the constituency wins. If disputes arise following the election, there are designated appeals procedures, including magisterial recounts and petitions to the Election Court.



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4. THE CARTER CENTER ROLE IN JAMAICA

The Carter Center has a long history with Jamaica and its leaders. Both Prime Minister Patterson and former Prime Minister Edward Seaga sit on the Center's Council of Presidents and Prime Ministers of the Americas, a group of 35 past and present heads of state chaired by former U.S. President Jimmy Carter. In 1997 the opposition parties voiced serious concerns for the integrity of the upcoming election, and they requested that international observers be invited. Following much discussion and a change to the Representation of the People's Act, the seminal electoral law, The Carter Center was the first and only international organization invited to observe the electoral process. Following our 1997 electoral observation, The Carter Center was invited to return to Jamaica to help inform the debate regarding two proposed pieces of legislation designed to increase transparency and prevent corruption: the Corruption Prevention Act and the Access to Information Act. Since 1999, The Carter Center has partnered with government and civil society organizations to promote the passage and implementation of these acts. In late 2001, the EAC again invited The Carter Center to observe the national elections.

5. THE TECHNICAL PREPARATIONS

The technical preparations for the 2002 elections were the best that Jamaica had experienced. Leading up to the election day announcement, the EOJ, headed by Election Chairman Danville Walker, instituted monthly meetings in each constituency, including electoral authorities, political party representatives, and members of the security forces. These meetings encouraged a sense of ownership in the process. Many of the critical decisions were made through consultation and consensus. The political party representatives were offered the opportunity to

object to any person on the voter registry, any recommended voting location, any election day worker, and any "special one-day constable" hired specifically to assist the security forces on election day. Not surprisingly, and unlike past elections, following this consultation and vetting process, there was little disagreement on any of these issues. The electoral authorities enjoyed great credibility throughout the 2002 election.

6. MARGINAL SEATS AND TARGETED CONSTITUENCIES

The polls indicated that the 2002 election was going to be extremely close, particularly in the "marginal constituencies," those areas where one party has won past elections with fewer than 1,000 votes (in a number of cases with less than 100 votes). Many believed that the overall election would be determined in the marginal constituencies. There were many rumors about the marginal constituencies, as the political parties placed great emphasis on these areas in an attempt to sway just a few votes. In addition to the political parties, the electoral authorities, security forces, CAFFE (the domestic observation group), and The Carter Center deemed these constituencies as the greatest priority.

Interestingly, there was less emphasis on the 15 constituencies that have historically had the greatest amount of fraudulent behavior. The electoral authorities did not ignore these areas, but rather classified them with different levels of vulnerability. For those at risk of electoral manipulation, but which could be secured, the electoral authorities placed their own special electoral workers in the most vulnerable polling locations and requested additional police presence. For seven of the 15, the authorities sent a letter putting them on notice that they would not hesitate to seek a voiding of the results for electorally fraudulent behaviors.



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7. CONFLICT PREVENTION AND RESOLUTION

In an effort to reduce the potential for conflict and violence, Jamaicans instituted a number of new initiatives. The most innovative measure was the establishment of Elections Centre, a model suggested by EAC Chairman Errol Miller. The Elections Centre was proposed to bring together representatives from the EOJ, EAC, political parties, security forces, and domestic and international observers to facilitate the exchange of information and the constructive resolution of disputes before they escalated into violence. The code of political conduct was another mechanism utilized to promote a peaceful election. The political party leaders signed the code of political conduct in June 2002 to demonstrate their commitment to peaceful, free, and fair elections. The code also called for the appointment of an ombudsman. Thus, the political ombudsman, a position that was eliminated in 1999, was reinstated with the mandate to uphold the code of political conduct. After many names were rejected, the prime minister and leader of the opposition, in July 2002, finally agreed on Bishop Herro Blair.

8. SECURITY FORCES

The Jamaica Constabulary Force (JCF) is tasked with assuring the security of the ballot boxes, the vote, and the electors on election day. To perform these tasks, the JCF augmented their ranks with 15,000 special one-day constables. Assisting the JCF is the Jamaican Defence Force (JDF). Additionally, the JCF has the responsibility for issuing licenses for public meetings, marches, and motorcades. Leading up to the election, the JLP voiced concerns that the JCF was biased toward the PNP. In an effort to quiet these fears, the JCF committed to a number of activities, including allowing the parties to vet the names of all newly hired one-day constables, providing additional training, and empowering the office of professional responsibility to suspend immediately any officer misbehaving on election day.

9. THE CARTER CENTER FIELD OFFICE AND MTOs

Four days after the election was announced, The Carter Center opened a field office in Kingston. Thirteen medium-term observers (MTOs) and expert consultants joined the field office director and staff. The MTOs were assigned one primary constituency and two or three additional areas to observe. These constituencies represented the marginal areas and those locations that were “at risk” for electoral fraud or conflict. The MTOs were deployed to their designated constituency to become familiar with the specific issues, politics, and electoral preparations. These observers remained in their constituencies from nomination day through election day. Expert consultants augmented the work of the MTOs. These international experts focused their attention on Jamaican politics, security and policing, electoral administration, conflict prevention, electoral laws, and appeals resolution. Reports from the MTOs and experts were used to provide recommendations and inform the full Carter Center delegation.

10. CAMPAIGNING

The campaign period officially began with nomination day on Sept. 30, 2002. Though nomination day enjoyed relative peace, unfortunately this was not true for the campaign period. Campaigning was marred by frequent reports of gunshots, stoning of cars and buses during motorcades, and general violence. The conflict became so extreme in some areas that the electoral authorities took the dramatic step of requesting a public campaign ban in six constituencies, which the chief of police implemented. In an effort to provide a more issues-oriented focus, two nationally broadcast debates were held between the PNP and JLP leadership. Strikingly, the campaign period demonstrated the ability of the political authorities, security forces, and political parties to work together to prevent some conflicts and resolve others.



OBSERVING THE 2002 JAMAICA PARLIAMENTARY ELECTIONS

11. SPECIAL ELECTION DAY

On Oct. 11, 2002, approximately 19,000 electoral workers and security forces personnel were eligible to vote in an early election. This was the first time that the volunteer workers were included in the special election day, and by doing so the electoral authorities retained the flexibility to assign them anywhere during the general election. The special election went well, with two main criticisms. First, some of the eligible voters were not listed on the electoral registry. Second, some of the electoral workers appeared ill-trained and used improper procedures, including disregarding some of the safeguards to reduce the potential for fraud. This raised concerns about their ability to administer the broader general elections.

12. ELECTION DAY

On Oct. 16, 2002, the Carter Center delegation of 60 international observers from 16 countries visited 864 polling stations in 29 constituencies. The delegation generally found a well-administered and peaceful election. Approximately 95 percent of the polling stations that we observed opened within one hour of the designated time, and there was a problem with the electoral registry in less than 1 percent of the stations we visited. The security forces were present and visible and performed their duties professionally. The most striking problems that we observed were the inadequacies of the physical voting location structures, which led to overcrowding and disorganization, and the failure of electoral workers to follow all voting procedure guidelines. A number of murders occurred on election day, but none definitively linked to politics. Gunfights and confrontations broke out near some polling locations, but these did not result in the closing of any polling stations.

In addition to the Carter Center delegation, Citizens Action for Free and Fair Elections (CAFFE) mounted a domestic observation team

of over 700 observers. These Jamaican monitors were stationary in many of the polling locations throughout election day and served as another useful mechanism to discourage fraud or violence.

13. ELECTION RESULTS

The election results started coming in just hours after the polls closed. Initially, the authorities announced that based on the unofficial vote count at the polling stations, the PNP had won the election with 35 constituencies and the JLP had won in 25 constituencies. The third-party candidates were not able to win a single seat in Parliament. Following the official vote count the next day, the JLP gained a seat to provide them with a total of 26. The popular vote reflected an even closer race, with the PNP receiving only 5 percent more total votes than the JLP. In 16 constituencies, the victor won with less than a 1,000-vote margin of victory, and in six of these the difference was less than 500 votes. Unfortunately, as compared to previous elections, voter turnout was low, with 56 percent of registered voters casting a ballot. All the parties accepted the overall results as reflecting the will of the voters and challenged through legal means those results in doubt.

14. RECOUNTS AND APPEALS

Following the announcement of the official results, seven candidates requested magisterial recounts. One of these requests was withdrawn. Ultimately, none of the recounts resulted in a change of victor. The Constituted Authority, a body comprised of the three independent EAC members and two other persons, received 10 petitions requesting investigation of results and electoral administration. In these cases, the petitioner alleged that electoral fraud and failure to follow electoral procedures significantly and adversely affected the freeness and fairness of the elections. On Nov. 14, the Constituted Authority rejected all 10 complaints. Two cases were then filed



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with the Election Court, three Supreme Court judges appointed to sit for six months to resolve electoral matters. In both cases, the candidates alleged that the electoral official did not act in good faith and the procedures of the electoral law were not obeyed, thus causing a significant distortion in the electoral results. The political ombudsman's office received 58 formal complaints alleging breaches of the code of political conduct, mainly relating to violence and intimidation. Most of these are still under investigation.

15. RECOMMENDATIONS

Following the 1997 election observation, The Carter Center provided a number of recommendations to improve the Jamaican electoral process. Many of these recommendations were accepted and instituted. Throughout the observation of the 2002 elections, The Carter Center privately and publicly provided additional suggestions and recommendations to the EAC and EOJ, some of which were employed.

With the goal of contributing to the further advancement of the Jamaican electoral process, The Carter Center continues to urge the following reforms: a) re-engineering the voting stations and simplifying electoral procedures; b) increasing emphasis on voter education and use of voter identification cards to speed the voting process; c) formalizing and institutionalizing conflict prevention and resolution mechanisms; and d) amending the number of constituencies to an odd number.

16. ELECTIONS AND DEMOCRACY

Although technically the 2002 Jamaican elections were a great success, the country continues to struggle with the perception of corruption in the financing of politics and the impact of the garrison phenomenon. The dangers of corruption in campaign financing are of particular concern in a society, such as Jamaica, that is simultaneously fighting the influence of illegal guns and drug money. As presently written, the Jamaica campaign finance law is weak and ill-enforced. Strengthening and effectively implementing contribution or expenditure limits and disclosure requirements would help reduce the corrosive impact of money on politics. Similarly, the garrison phenomenon continues to hinder the ability of members of these communities to freely associate and express their opinions. Electoral reform alone will not address this problem; yet, until resolved, no Jamaican elections will reach the goal of completely free. The Carter Center urges an honest and frank national debate regarding the garrisons and mechanisms to reduce their negative impact on Jamaican democracy. ■



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OVERVIEW

The Carter Center engaged in electoral observation in Jamaica in 1997 as the first international organization invited to observe the elections. Following that parliamentary election, we issued a final report complete with numerous recommendations for advancing the electoral system. Over the past five years, the Electoral Advisory Committee (EAC) and the Electoral Office of Jamaica (EOJ) implemented many reforms, including some of those that we had suggested. The electoral system we encountered in 2002 was significantly improved and, for the most part, enjoyed the confidence of the political parties and citizens of Jamaica. Nevertheless, Jamaica continued to struggle with issues of violence and intimidation, some of which were apparently tied to the electoral contest. Although election day fraud remained a risk, particularly in the parties' strongholds, the greatest concerns revolved around the likelihood of intimidation and violence in the marginal (or closely contested) constituencies during the campaign period and on election day.

The elections held on Oct. 16, 2002, were a culmination of procedural improvements and the inception of innovative conflict prevention and resolution mechanisms. Formalization of the new measures and recommendations to address conflict would result in even greater public confidence and

participation. While reports of violence and intimidation during the campaign period, and even on election day, continued, we nonetheless found that the final results adequately represented the will of the voters.

The elections held on Oct. 16, 2002, were a culmination of procedural improvements and the inception of innovative conflict prevention and resolution mechanisms.

Jamaica's electoral success will now need to be transformed into political change, where persons in all communities have the opportunity to express themselves free from fear or intimidation. ■



Vin McKay

Prime Minister PJ Patterson greets Opposition Leader Edward Seaga.



HISTORICAL BACKGROUND

Jamaica is an island nation located in the Caribbean Sea, just south of Cuba. First discovered by Columbus on his second trip, Jamaica was initially inhabited by the Spanish. In 1855, Great Britain gained control of Jamaica from the Spaniards and started growing sugar, an industry that Jamaica is still known for today. Jamaica remained a British colony until the referendum of 1961 when, by a vote of 256,261 to 217,319, Jamaicans expressed their wish to form an independent nation. On Aug. 6, 1962, Jamaica officially claimed herself an independent state within the Commonwealth.

Jamaica is a mature parliamentary democracy with a history of peaceful regime change and timely elections. After obtaining universal suffrage in 1944, newly empowered electoral authorities held the first of 14 successful national elections, the most recent of which took place on Oct. 16, 2002.

Even prior to gaining independence from Great Britain, Jamaicans adopted a bicameral legislature. This legislature continues to thrive today, counting 60 members within its lower house and 21 within the Senate. Members of the lower house, called Members of Parliament, are elected to terms not exceeding five years in length, while the governor-general appoints members of the Senate for similar terms. Of the 21 Senate seats, the Jamaican Constitution provides that 13 seats are appointed at the recommendation of the prime minister and eight seats at the recommendation of the leader of the opposition. The

leader of the majority party is named prime minister and holds office until he calls for a new election or there is a parliamentary vote of “no confidence.”

Two major parties dominate the Jamaican political landscape: the Jamaica Labour Party (JLP) and the People’s National Party (PNP). One of these parties has been the victor in each of the island’s 14 national elections, with power shifting between the parties on five occasions. In fact, until 1997 no party had held power for more than two successive terms. In 1997, however, the PNP won an unprecedented third term and in 2002 claimed yet another term of governance following their electoral victory.

As of the latest census, held in 2000, Jamaica has a population of approximately 2.65 million persons, of whom 55 percent live in

urban areas. Approximately 16.9 percent of Jamaicans live in poverty, with tourism, bauxite, aluminum, and agriculture accounting for the principal economic activities. Jamaica, since its independence, has not experienced either a civil war or disruption in democracy. It is considered “one of the relatively few recently independent states to have maintained a working democratic system ... and one of the few such states to have successfully generated a sense of nationhood among its people.”¹ Nevertheless, this small island has been wracked with periods of violence and personal insecurity. ■

Two major parties dominate the Jamaican political landscape: the Jamaica Labour Party (JLP) and the People’s National Party (PNP).

¹ *Politics in Jamaica*, Anthony Payne, Ian Randle Publishers, 1994, Revised Edition.



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POLITICAL BACKGROUND

Seasoned political leaders guide both the JLP and the PNP. Edward Seaga has been an integral force within the JLP since the 1960s when he served as minister of finance and assumed the position of prime minister for two terms, in 1980 and 1983. The PNP's PJ Patterson ascended to the leadership of his party and prime minister in 1992, when then-leader Michael Manley stepped down due to ill health. The two leaders have committed themselves not only to promoting democracy within Jamaica but also throughout the Caribbean region.

Political parties in Jamaica tend to be multi-class coalitions, which have operated within the generally stable political framework of a two-party system. The long history of contested elections has meant an extremely engaged citizenry, but also one committed to its party of choice. These strong party loyalties, which are highly developed and transcend family generations, have signified a belief in the democratic process, commitment to party work, and a pride in the electoral process. However, negative aspects also have accompanied this party loyalty, such as instances of intolerance developing into violence, electoral fraud, and the emergence of the so-called "garrison communities."

Garrison communities were first created in the 1960s during a period of mass urban migration. In the midst of severe housing shortages, government-sponsored housing projects were constructed and allotted along partisan lines. Over time, these partisan housing developments expanded to consume complete communities, wherein residents aligned with one political party. Those belonging to the "other" party were forced to leave, thus limiting

residents' opportunity to freely choose their political party affiliation and even impacting their ability to find employment that would cross party lines.²

As the tradition of one-party loyalty strengthened, party supporters, at times, used violence to enforce the supremacy of their allegiance. Thus, garrisons became "political fortresses," or safe seats, where the electoral results almost entirely supported one party, allegedly through use of electoral fraud and intimidation.

Politics has been seen in Jamaica as being a "fight for scarce benefits and political spoils." A clientelist-based politics has developed whereby members of

Parliament dispense much-needed resources to potential voters in order to secure their support. This has developed to the stage where whole communities, and at times, whole constituencies owe their allegiance to the political party. The label "tribal"

has been used by Jamaicans to explain these fierce loyalties that elements of the population have formed toward the parties and their leadership. It is a widely held belief that there are presently 15 or 16 constituencies experiencing the influence of garrison communities, with some scholars estimating as many as an additional 23 constituencies at risk.³

Past electoral malfeasance has often been linked to the garrison phenomenon. Although a high level of homogenous voting does not, de facto, demonstrate electoral fraud, this coupled with other indicators has led to the conclusion that past elections were not wholly "free and fair."

*Politics has been seen in Jamaica
as being a "fight for scarce
benefits and political spoils."*

² *Homogenous Voting, Electoral Manipulation and the "Garrison" Process in Post-Independence Jamaica*, Mark Figueroa and Amanda Sives.

³ One scholar felt that the breakdown of garrison party loyalty was: 10 closely linked to the PNP and six associated with the JLP.



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Political tribalism, garrison communities, and economic depravation, along with the rapidly expanding transshipment of drugs and guns through Jamaica, have proved to be continuing challenges for the electoral authorities, the police, and the observer organizations. However, the state institutions have committed themselves to this challenge. Reforms in the security forces, bipartisan crime initiatives, electoral modifications, and anti-corruption legislation are all ways in which Jamaicans are reclaiming the rule of law. It is with this backdrop that the 2002 national elections took place. ■



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VOTING AND ELECTORAL BACKGROUND

The Electoral Advisory Committee (EAC) and the Electoral Office of Jamaica (EOJ) are the main authorities responsible for administering Jamaica's elections. The EAC is a supervisory council tasked with overseeing the work of the EOJ and creating policy to guide the electoral process. The EAC is comprised of five members: one PNP representative and one JLP representative (called nominated members) and three independent members (called select members) including the chairman. The governor-general, on the advice of the prime minister and the leader of the opposition and with the recommendations of the other two members of the EAC, appoints the three select members. Both the PNP and the JLP are also allowed an alternate member, who may attend meetings but does not have a vote. The EAC was first instituted in 1979 and continues to remain a legislated body similar to a parliamentary committee, rather than one constitutionally mandated. This committee is presently under the portfolio of Minister Peter Phillips, Ministry of National Security.⁴ The nominated members have a term of 18 months, while the select members enjoy a four-year term. The EAC was previously comprised of seven members, with each party having two voting members. Membership of the EAC was reduced to five following the 1997 elections, as a means of diminishing political party power on the committee.

The EOJ is the administrative agency in charge of organizing the elections. The director of elections, appointed on the recommendation of the EAC, is the head of the EOJ and sits as a nonvoting member of the EAC. He is appointed for a term of seven years. The EOJ supports the director of elections in his duties and states as its mission: "to conduct national elections that no unfair advantage is given to any party or individual contesting the polls, ensuring that the objective of one man one vote is met..."⁵ This is accomplished through the continuous registry of

voters, the preparation of the voters list, hiring and training of poll workers, printing of the ballots, and overall organization of the electoral process. The electoral office is divided into five departments: information systems, administration, field operations, internal audits, and training and research, each with its own manager and individual mandate.

Table 1

ELECTION 2002 BY THE NUMBERS

Total Population	≈2,650,000
Registered Voters	1,301,394
Total Votes	734,628
Voter Turnout	56%
Regions	8
Parishes	14
Electoral Constituencies	60
Polling Locations	2,478
Polling Stations	7,275

Jamaica has eight regions and 14 parishes. Within these, there are 60 electoral constituencies, each electing one representative on a plurality (first-past-the-post) basis. The boundaries for the constituencies were "redescribed" after the 1997 election but not redefined. The 60 constituencies are subdivided into 2,478 polling locations. Within the polling locations are polling stations, with a maximum of 250 registered voters assigned to each polling station. In total, the 2002 elections counted 7,275 polling stations. In some instances, polling stations were clustered into polling centers for ease of supply and security. There were 935 single-station voting locations; the rest were clusters of two—20 stations per voting center.

⁴ The EAC falls under the responsibility of the leader of government business. In other words, it follows the person rather than specific ministry. In 2002, the leader of government business was Peter Phillips.

⁵ www.eoj.com.jm.



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Each constituency contains an EOJ office, which is under the direction of the returning officer (RO), who is appointed to manage all electoral issues at the local level. While the appointment of each RO is open-ended, the EAC retains the right to revoke that appointment at any time. In addition to the more permanent RO, election day workers such as the presiding officer and poll clerk are hired to administer the vote at the polling stations.

Throughout the year, Jamaicans have the opportunity to register to vote. However, it is only every six months that a new voter registry is generated. Registration for the voter list used for the Oct. 16, 2002, general election was closed on March 31, and the list generated on May 31, 2002. This list contained 1,301,394 persons eligible to vote in the parliamentary election. When registering, each elector has a photograph and fingerprints taken. Soon thereafter, a voter identification card is generated which is either picked up by the individual or delivered. However, it is not mandatory to show your card in order to vote. Unlike 1997, the issue of voter identification cards was not of great concern.⁶

The prime minister may call for an election at his discretion, but no later than five years from the previous election date. The governor-general then officially proclaims the date that nominations will be accepted and the date of the election. The Representation of the People's Act (ROPA), along with the Elections Petition Act, forms the framework of the electoral law and states that nomination day shall occur not more than seven days after the notice of elections are published in the Gazette. The election itself must then occur not less than 16 days or more than 23 days from nomination day.

When an election is called, the three independent members of the EAC, along with two other individuals (one of whom must be a retired judge and the other a member of the privy council) appointed

by the governor-general, become a new body called the Constituted Authority. This body has the power to halt the polls in a constituency on the day of the election when the polls have not opened by noon and this affects more than 25 percent of the electors in the constituency or there is a natural disaster which could "substantially prevent or prejudice the holding of a fair election."⁷

Following an election, there are provisions for both recounts and election petitions to appeal the results. In addition, electoral law, as amended in 1997, provides for the voiding of a poll for a variety of reasons, such as overvoting, stolen ballot boxes, unregistered

persons voting, or an upsurge in violence that would lead to "a substantial distortion or subversion of the process of a free and fair election."⁸ The Constituted Authority may, after the election is completed, make an application, either for a candidate or on its own

motion, to request the result voided. These requests are submitted to the Election Court, a temporary body of three sitting Supreme Court justices.

PAST ELECTIONS

Past elections would have benefited from many of the new provisions governing the most recent Jamaica elections. For example, the 1980 elections were the most violent in Jamaica's recent history with anywhere from 500-800 politically motivated deaths. The 1993 parliamentary elections, won by the PNP, were described as the "worst ever," with more than 100 documented incidences meant to disturb the

⁶ In speaking with the political party representatives, candidates, and electoral authorities, the issuance and distribution of voter identification cards was not viewed as a major concern. Since the 1997 election, much effort had been undertaken to insure that voters received their cards in a timely fashion and that nonpartisan electoral workers distributed the voter cards.

⁷ Representation of the People's Act, Section 44B.

⁸ Representation of the People's Act, Section 52A; The Elections Petition Act, Section 37.

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election, including the invasion of armed supporters into polling stations and the theft of ballot boxes.⁹ Some other stations did not open on time or at all, and returning officers expressed their fear of intimidation, particularly after an RO was murdered three days before the election. In addition, there were many difficulties with the registration lists, with some voters being put in the wrong constituencies and others not registered at all.



VIN MCKAY

Jimmy Carter, Colin Powell, and Evander Holyfield answer questions during the 1997 Carter Center election observation.

Following the election in 1993, the JLP announced it would boycott Parliament in protest of the “fraudulent election conduct” until such time as the government agreed to institute electoral reform. Seaga called off this boycott shortly thereafter when the government announced electoral reforms. However, as the 1997 elections approached, uncertainty again colored the political landscape. Past electoral malfeasance and a fear of a resurgence of past violence led many Jamaicans, and particularly members of the opposition, to encourage the presence of international observers during the electoral period, which they felt would help assure a free and fair vote. Changes in the electoral law ultimately allowed for international observation.

The 1997 election proved historic for both the invitation to The Carter Center international

observer mission and also the results. For the first time in Jamaica history, the PNP won a third consecutive term in government with 51 seats to the JLP’s nine seats.¹⁰ Although the PNP received only 55 percent of the popular vote, they won over 80 percent of the parliamentary seats due to the first-past-the-post electoral system employed in Jamaica. In 1997, a new third party, called the National Democratic Movement (NDM), contested the

election. Although the NDM did not win any seats, NDM candidates did earn 5 percent of the total votes. Several constituencies were fiercely contested with 17 seats won by 1,000 votes or less, and nine of these were won by a margin of less than 500 votes. These were called marginal constituencies to represent their close votes. (See Appendix B.)

The Carter Center found that this election “adequately expressed the collective will of the Jamaican people with respect to selecting their leaders.”¹¹ While there were problematic administrative procedures that hampered the election,

such as the registration list and distribution of voter identification cards, the main issue was, once again, the fear of political violence and intimidation. The 1997 election, unlike previous contests, was largely peaceful. “The final tally for Election Day thus included four deaths; two stolen ballot boxes, one of which was retrieved; shots fired; and intimidation of candidates and their supporters.”¹² ■

9 *Homogenous Voting, Electoral Manipulation and the “Garrison” Process in Post-Independence Jamaica*, Mark Figueroa and Amanda Sives.

10 This number was ultimately changed when the Court ruled that the JLP had won an additional seat, for a total of 10 seats in parliament.

11 *The Observation of the 1997 Jamaican Elections*, A Report of the Council of Freely Elected Heads of Government, The Carter Center.

12 “Patrolling the Polls,” Gary Brana-Shute, *Hemisphere*, Volume 8, Number 2.



THE CARTER CENTER ROLE IN JAMAICA

The Carter Center has a long history of engagement with Jamaica. In 1986, when the Americas Program (previously called the Latin American and Caribbean Program) of The Carter Center established the Council of Presidents and Prime Ministers of the Americas, President Carter invited Prime Ministers Michael Manley and Edward Seaga to join the council, and later Prime Minister Patterson succeeded Mr. Manley as a council member. These Jamaican council members participated actively in policy consultations and conferences at the Center.

In 1997, the opposition JLP and NDM and the governing PNP supported the Carter Center's observation of Jamaica's national elections. The Carter Center was the only international group invited to observe the elections, which were surrounded by uncertainty due to the creation of a third party and a new voter identification card, escalating violence in garrison communities, and the prospect of lower than normal turnout, especially among youth. The government's initial reluctance to support observation was overcome through negotiations with The Carter Center, an organization party leaders knew and trusted. Gen. Colin Powell, former Costa Rica President Rodrigo Carazo, former Belize Prime Minister George Price, and then-former (now present) Bolivia President Gonzalo Sanchez de Lozada joined President Carter in leading an

observation mission that served to reduce violence, addressed electoral corruption, and increased public interest in the election process.

After his re-election in 1998, Prime Minister Patterson requested that The Carter Center accept Jamaica as one of the initial cases in our new transparency project, with the intent of transforming Jamaica into a model country for the Caribbean. Upon initiating the Jamaica transparency project, the Center determined, in consultation with the Jamaican government and civil society leaders, that informing the debate and assisting in the implementation and enforcement efforts of the legislation proposed to combat corruption and the proposed

Access to Information Act would be the most useful.

The Carter Center has published two widely distributed guidebooks, *Combating Corruption in Jamaica*, *A Citizen's Guide* and *Fostering Transparency and Preventing Corruption in Jamaica*, both edited

by Laura Neuman. In addition, the Center has held public seminars and private workshops to focus attention on the importance of the legislation and to promote effective implementation and full enforcement. The Jamaican Parliament has approved both pieces of legislation, after a healthy debate and critical amendments, and is now in the process of implementing and enforcing these new laws. The Carter Center continues to work on transparency issues, particularly focusing on the critical Access to Information Act. ■

After his re-election in 1998, Prime Minister Patterson requested that The Carter Center accept Jamaica as one of the initial cases in our new transparency project.



OBSERVING THE 2002 JAMAICA PARLIAMENTARY ELECTIONS

PREPARATION FOR THE PARLIAMENTARY
ELECTIONS: 2001 — SEPTEMBER 2002

In December 2001, The Carter Center and its Council of Presidents and Prime Ministers of the Americas received an invitation to observe the upcoming national elections. Although by law the election did not have to occur until March 2003 and though no date had been set, Prime Minister Patterson publicly announced that he would call the election before the end of 2002. Preparations for the elections, both political and logistical, began in earnest.

In assessing the upcoming elections, The Carter Center considered four areas that underlie the electoral process: the political situation, the electoral administration, conflict prevention and resolution mechanisms, and the role of the security forces.

POLITICAL SITUATION

The 2002 elections came at a particularly critical time for the legitimacy and continuity of democracy in Jamaica. The PNP had been in government for an unprecedented three terms and hoped to gain a fourth victory as a feather in the cap of leader Prime Minister PJ Patterson, who was rumored to be considering retirement. The JLP, on the other hand, viewed this as their election to win. Without a victory, the viability of the party as presently organized and its longtime leader Edward Seaga could be in question. The polls throughout the election period indicated an extremely close race with, at times, each political party enjoying an equal percentage of support. The period prior to the calling of elections was significant for both the high level of violence and the increased political party activities.

Violence and Conflict

A backdrop to the electoral battle between the two main political parties was the escalating sense of personal insecurity. In 2001, there were 1,139 murders

in Jamaica, the highest rate per capita in the Western Hemisphere and one of the highest in the world. In addition to daily homicides, 2001 saw episodic eruptions of extreme violence in various neighborhoods of the corporate area, which includes Kingston and St. Andrew, with the garrison communities leading the way. The politics of these garrison communities today are complicated by a marked growth in the traffic of narcotics and guns and the struggle for territory, which was witnessed in 2001 and 2002.

In the area of West Kingston, the JLP and PNP conducted what many believed to be a “turf war,” as the PNP sought to make additional inroads to the JLP stronghold. The outbreak of violence in 2001 was attributed to the assassination of the infamous PNP community leader (called a “don”) and drug “kingpin” Willie Haggarty Moore. It was widely conjectured that JLP supporters were behind this murder, as they fought to retain power. The tension in West Kingston, following the death of this powerful don, reached its pinnacle when on July 7, 2001, gunfights broke out between community members and the Jamaica Constabulary Force (JCF). The JCF, led by Senior Superintendent Reneto Adams, constructed a police barricade in Tivoli Gardens to search for gun caches. Superintendent Adams was quite a controversial figure at that time for his role in the March 14, 2001, killing of seven youth in a house in Braeton, a section of Kingston, and his purported allegiance to the PNP.

Although there is great disagreement as to who began the shooting, the aftermath counted 25 people dead and 41 injured. The police and military remained in Tivoli Gardens for three days, with the bodies lying on the streets uncollected. According to reports, the residents of this area were not able to leave their homes for food or work. The impasse was finally resolved when members of the business



OBSERVING THE 2002 JAMAICA PARLIAMENTARY ELECTIONS



COURTESY OF JLP

Security forces stand guard to allow Red Cross officials into Tivoli Gardens, July 2001.

the form of shootings between gunmen, fire-bombing of government offices and buildings, threats against schools, and aggression against the police and by the police.

When asked the cause of the violence, most Jamaicans felt that it was a mix of politics and gangs, with the emphasis on the latter. According to some, the garrison communities were no longer as strongly controlled by the traditional political parties. As the economy had deteriorated, politicians were unable to inject money into their communities through social welfare and infrastructure projects, thus minimizing their power to control.

umbrella group, the Private Sector of Jamaica (PSOJ), entered the community.

Edward Seaga, who represents the West Kingston constituency, asserted that the violence was part of a political strategy by the PNP to reduce his credibility before the next general elections. Seaga was ahead in the polls and believed the operation was designed to embarrass him. Others felt that the Tivoli Gardens debacle was simply a police attempt to take back the neighborhood from the gangs. "Although the exchange of fire has been between government forces and gangs tied to drugs, gun running, and other criminal activity, the latter in some respects resemble militias: They have party loyalties, mobilize voters, and often clash over political affiliations."¹³

In September 2001, large-scale violence resurfaced as 19 people in East Kingston were killed when caught in the crossfire of rival JLP and PNP garrisons, which buttress one another. Elsewhere, violence continued throughout the remainder of 2001, arriving in

Scarce public resources meant less money flowing to the garrisons in exchange for political loyalty. This, in combination with access to large sums of monies through the drug and gun trade, gave the garrison dons a new independence from the formal political leaders. Although the extent of the linkage between traditional politics and the violence was unclear, it was nevertheless acknowledged that political party tribalism, found most acutely in the garrison communities, could still play a role in stimulating violence, particularly during election periods.

Violence continued to threaten Jamaica in 2002. In response to the escalation, great pressure was placed on Prime Minister Patterson and Mr. Seaga to work together toward a positive solution. On June 11, 2002, the leaders signed the bipartisan National Committee on Crime and Violence proposal. The

¹³ Politics-Jamaica: Violence Erupts Between Police and Gangs, Inter Press Services, July 10, 2001.



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committee's recommendations were grouped under three main areas: "rebuilding the moral authority of the elected officials so that they can lead the fight against crime and violence; allowing communities to make a fresh start and/or to redeem themselves; and policing and legislative changes to deal with hard-core criminals."

Although the crime plan was in place, incidence of extreme violence did not abate. On Aug. 18, 2002, an enraged mob stabbed and killed a bus driver who they alleged intentionally trapped a man beneath his vehicle. In a separate incident, police uncovered five human skulls and other body parts remains, as well as two more recently murdered victims, in a pit in the Mountain View area of Kingston. Notably, one of the murder victims was the ex-wife of a high-level PNP official.

Political Parties

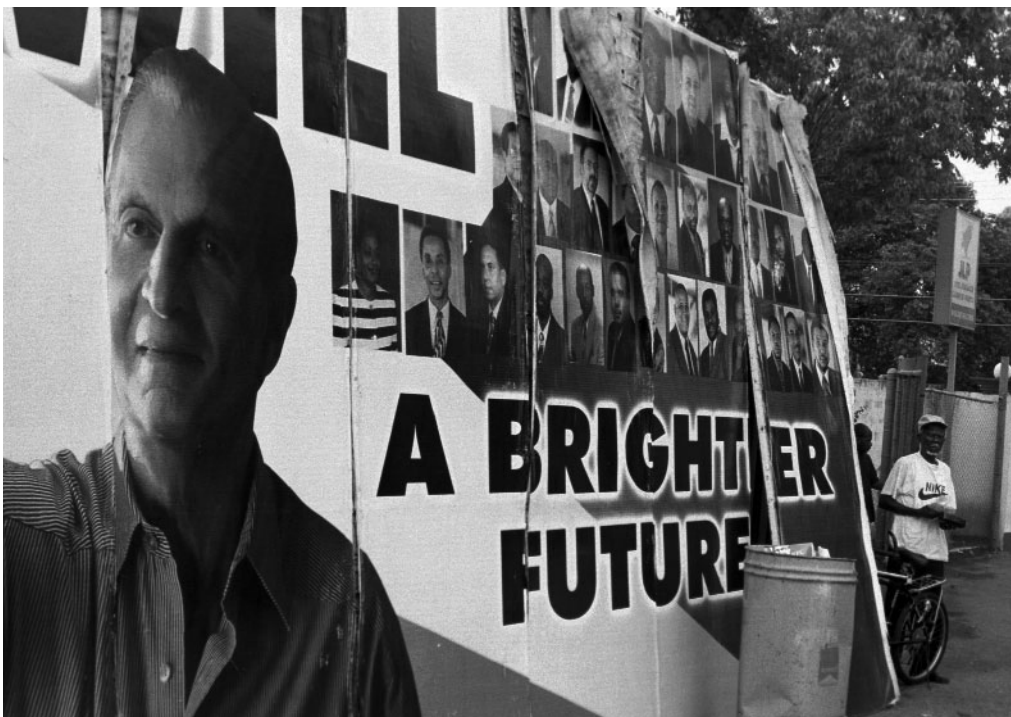
Although no election date had been announced, the political parties went into full swing in early 2002. The first indication of an upcoming election, and

potential PNP concern, was the Sept. 2001 Cabinet resignation of Foreign Affairs Minister Paul Robertson and Minister of Information Maxine Henry-Wilson to become the party's full-time director generals of the campaign. Much rode on another electoral victory, and the move of such high-level party leaders was indicative of the pressures. Prior to the 1997 election, no political party had held power for more than two terms. The PNP already had been in government for a record 13 years, arguably becoming a quasi-permanent majority, a position that they did not want to forego. Moreover, rumors persisted that Prime Minister Patterson planned to retire shortly after the election. A victory would not only ensure his place in the record books but also provide him the power to choose his successor.

A number of scandals and defections had rocked the PNP party, including allegations of corruption. In 2001, a PNP Senator resigned in disgust and another switched to the JLP. A year later, Karl Blythe, minister of housing and development, was forced to resign amid allegations of mismanagement and

cost overruns in the large-scale, low-income housing project, Operation Pride. The JLP alleged that the additional monies were being siphoned to an illegal campaign slush fund. The PNP denied these accusations.

The Ministry of Land and Environment, the Jamaica Tourist Board, and PNP Member of Parliament Ronald Thwaites were all subject to corruption investigations, the latter resigning from Parliament.



REBEKAH RALEIGH

This Kingston billboard advertises Edward Seaga and all JLP constituency candidates.



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The JLP was quick to exploit the perceived PNP weaknesses in its bid to move from opposition to government. It was widely speculated that this would be the last election for longtime JLP leader, Edward Seaga. The JLP, which had been out of government for over a decade, was leading in the polls and believed this was their election to win. A loss could put both the party organization and their leader in question.

The largest third party in Jamaica, the NDM, was also contesting the elections. Bruce Golding, a longtime JLP member and apparent heir to the leadership, left the JLP in 1995 and created the NDM. In 1997, the third party failed to win a seat in Parliament but continued to push its platform for constitutional reform and an end to political tribalism and divisive politics. In a blow to the small party, Bruce Golding resigned as party leader following the NDM's overwhelming defeat in the 2001 by-election. Hyacinth Bennett, an educator, replaced Golding to become the first woman in Jamaica's history to lead a political party. Following Bennett's ascension, the deputy-general, general secretary, vice president, and treasurer all resigned their NDM leadership positions.

Joining the race was a new entity, the Jamaica Alliance for National Unity (JANU). JANU was created in early 2002 as a "political movement" rather than a political party. Although some saw this as mere semantics, Rev. Al Miller, the founder of JANU, initially envisioned the role of this organization to vet the nominated candidates from other parties rather than propose their own slate. They hoped to endorse candidates that, among other qualities, live morally, involve themselves in service to the community, and denounce violence and corruption. Rev. Miller, as a leader in the religious community, hoped to find great support in the various Jamaica churches. This support did not come, as many claimed the move toward

representation politics, as embodied in JANU, to be outside the bounds of the churches' social role.

In July 2002, the NDM, JANU, and the Republican Party joined forces to establish the New Jamaica Alliance (NJA). Each party said that it would maintain its identity and internal operations, but if successful this loose alliance would together form the government. These small parties shared some common goals, including reforming the constitution and seeking national unity and reconciliation. But mainly, they saw an alliance as an opportunity to gain more votes. In constructing the strategy for the coalition, NJA determined that it would not have candidates in all

constituencies and that it would allow members to run where they wished rather than designate certain seats. Moreover, it chose not to focus on the nearly impossible to win 15 garrison communities, but would allow a candidate to seek office in these constituencies, if desired, as a means of "testing the system."

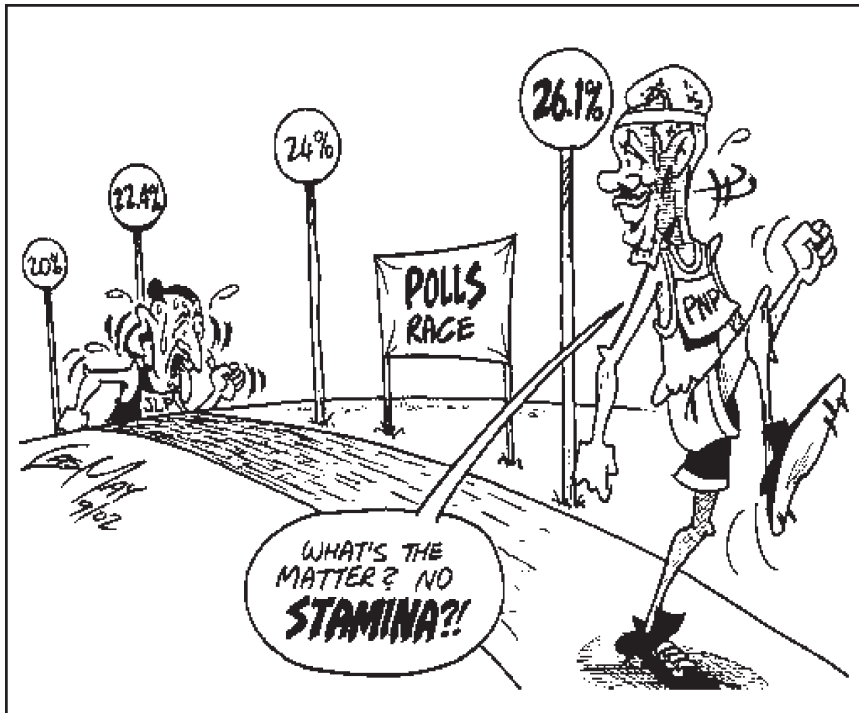
A separate smaller party, the United People's Party (UPP), turned down the opportunity to join the New Jamaica Alliance. The UPP, led by political newcomer Antoinette Haughton, was officially launched in August 2001. However, less than a year later and just months before the election, two of the highest-ranking UPP members resigned. Haughton, an attorney and talk show host, along with the remainder of the leadership, nevertheless continued forward, appointing new members to the vacated positions; trying to collect 50,000 signatures and 5,000 members, the requisite numbers in order to receive recognition as an official party; and preparing the party's manifesto.

The UPP encountered another obstacle when the EAC denied the party official recognition. Initially, in August when the UPP presented its petition for party recognition to the EAC, it was rejected not because of a signature problem but because the wording of the

The JLP, which had been out of government for over a decade, was leading in the polls and believed this was their election to win.



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COURTESY OF THE JAMAICA GLEANER

closer scrutiny, as they could determine the outcome of a tight election. There was much talk of infiltration of these constituencies by voters who did not permanently live in the area or by persons designed to intimidate the communities. Regardless of the accuracy of those rumors, the marginal constituencies were deemed the greatest priority to the electoral authorities, the political parties, the security forces, and the election observers.

Polls

The electoral polls indicated that the election would likely be the closest in Jamaica's history. The Stone poll, published by the

petition did not conform to the requirements of the Representation of the People's Act. After a heated public debate, the EOJ then took issue with the actual signatures and called in handwriting experts to verify the authenticity. Ultimately, the UPP was denied official recognition, the consequence of which is that it was not able to have scrutineers accompany electoral employees as they distributed voter identification cards or to receive EOJ monies to pay a stipend to their indoor agents. Even so, it was still able to field candidates and compete in the general election.

Marginal Seats

Jamaica's elections historically have been tainted only in the so-called garrison communities, where vote totals might equal 105 percent of the voters in favor of one party. For the 2002 elections, the concern was focused on the so-called marginal constituencies: those areas in which past elections were won with a very slim margin, less than 500 or 1,000 votes difference. Depending on the definition used, there were 10 to 20 marginal constituencies meriting

Jamaica Observer newspaper, demonstrated that in April 2002, 30.8 percent of those questioned indicated that they would vote for the JLP and 23.8 percent supported the PNP, with 44.2 percent undecided. In the same month, a Don Anderson poll published by the rival *Jamaica Gleaner* newspaper showed the JLP and PNP within 1 percentage point difference, less than the margin of error. This trend in the polls continued, with both the Stone and Don Anderson polls conducted in July, August, and September indicating the two parties at a statistical tie. These same polls also confirmed that close to half those surveyed remained undecided, even as elections drew very near.

ELECTION PREPARATIONS

As the date of the election was unknown, the electoral authorities were forced to prepare as though the elections could occur any day. This placed a great deal of pressure on the electoral administrators, particularly the EOJ, to have all the processes in place.

Nevertheless, the EOJ, led by Director of Elections Danville Walker, proved itself up to the task, and by March 2002, it proclaimed the system in place and



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ready to administer the national election. The EOJ began its preparations early and met with local political party representatives and security force personnel on a regular basis. These constituency-based meetings encouraged a sense of ownership of the process and fostered consensus. In preparing for the 2002 elections, the electoral authorities tackled a myriad of technical and policy issues. Although they were faced with a sometimes herculean task, they were lucky to have received all of the money necessary to accomplish their mission and meet their goal of the best election in Jamaican history.

Electoral Registry and Voter Identification Cards

The first step in readying the system for elections was the purification and completion of the electoral registry. In Jamaica, there is continuous voter registration. To account for the new applicants, an electoral registry is produced every six months, with the deadline for inclusion in the most current registry two months prior to printing. For example, in 2002, a new registry was issued on May 31, which included all persons who had registered by March 31.

In addition to the inclusion of new names, the electoral registry is also “cleaned” so that persons who have died, are no longer eligible to vote, or are duplicitous are removed from the list.¹⁴ According to STATIN, the official statistical institute of Jamaica,

approximately 75,000 Jamaicans would have died between 1997 and 2002. The EOJ had removed over 10,000 names based on death certificates and notification of death. The remaining deceased persons were identified when distributing the voter identification cards, canvassing the neighborhoods, and through monthly meetings with political party representatives at the constituency level, where the voter list and names of new registrants were distributed to each political party to verify the accuracy. Finally, persons who were in question, such as those

A photograph was included in the poll book used on election day to identify voters and as a further safeguard to reduce fraud.

Table 2

Electoral Office of Jamaica Budget and Expenditure Statement Elections 2002

	Budget	Expenditure	(Over) Under Budget
Total Compensation of Employees	6,750,000.00	10,250,881.47	(3,500,881.47)
Total Temporary and Casual Labour	111,266,600.00	86,703,449.11	24,563,150.89
Total Travel Expenses and Subsistence	109,093,900.00	44,254,511.52	64,839,388.48
Total Rental of Property/ Machine	19,684,500.00	8,995,823.58	10,688,676.42
Total Public Utility Services	1,655,000.00	3,462,573.14	(1,807,573.14)
Total Purchase of Goods/ Services	79,598,300.00	136,012,237.09	(56,413,937.09)
TOTAL COST	J343,220,400.00	J319,938,091.65	J23,282,308.35

that a political party representative challenged as an eligible voter or were not found when delivering voter identification cards, were notified that their names would be removed from the registry if they did not appear at a sitting before an electoral officer. These

names, equaling approximately 5 percent of the original voter list, were published and posted in the major newspapers and in the constituency, and voters were given ample opportunity to appear before the constituency returning officer to retain their right to vote.

When registering to vote, the elector is fingerprinted and a picture is taken. The fingerprints are used to cross-match the voter list and remove all duplicate entries. In the future, it is hoped that the fingerprints will be used at the polling stations to

¹⁴ Jamaican citizens 18 years and over may register vote. Ineligible voters include the chief electoral officer, any person certified insane, any person under sentence of death or serving a sentence of imprisonment for six months or more, any person convicted of an electoral offense, and persons who are employed in connection with the election. The last provision does not include election day workers. Representation of the People's Act, Section 5 (3).



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verify voter identity through newly purchased machinery.¹⁵ The photograph was included in the poll book used on election day to identify voters and as a further safeguard to reduce fraud.

The list used for the October 2002 elections was published on May 31 and included 1,301,394 names.

This registry included 70,000 new registrants, comprising persons who had turned 18 and other newly interested voters. Approximately 80 percent of all eligible voters were registered and included on the list. The preliminary list was made available to political parties and other interested parties on April 28. The electoral authorities accepted comments until May 14. There were, understandably, some disputes and these were investigated and resolved. The final voter registry was then published and distributed on May 31. However, when the final list was originally published, 214 persons were inadvertently omitted. The EOJ, in a display of good faith, admitted the error and republished the voter registry on July 13, 2002. The electoral authorities believed this list to be the most accurate and largest in Jamaica's electoral history.

Voter identification cards were distributed in a variety of ways. Most commonly, voters collected their identification cards at the constituency electoral office. However, as of February 2002, there were still 242,000 uncollected identification cards. The EOJ delivered these house-to-house, using professional full-time employees accompanied by political party representatives, called scrutineers, to ensure that the voter identification card was conveyed to the correct person. After three attempts at delivery, the voter collected his or her identification card at the local EOJ office or was removed from the voter registry. For the 2002 election, approximately 60,000 cards were not delivered due to death, migration, movement, incarceration, traveling, etc. When attempting

to deliver the cards, 4,000 persons were deemed unknown and merited special investigation.

Polling Locations

In previous elections, the site of polling locations and stations was an issue of great contention. In

In previous elections, the site of polling locations and stations was an issue of great contention. In Jamaica, the placement of a polling location is critical, both for ability to reach the site and for safety.

Jamaica, the placement of a polling location is critical, particularly in garrison communities, both for ability to reach the site and for safety. For example, members of one party may not vote in a polling location that is located in the heart of another party's stronghold and may not

even cross certain areas to reach neutrally located polling locations.

To avoid disputes, the electoral authorities committed to reaching political party consensus for each of the 2,478 polling locations. In 1997, there were a number of locations that were listed as polling places, such as schools or buildings, that no longer existed or did not have a sufficient infrastructure to handle election day. For the 2002 elections, the EOJ workers, often accompanied by the police to assess security issues, visited every site before suggesting its inclusion as an election location. The constituency-based political party representative and the nominated members of the EAC were then provided an opportunity to object to the location.

The local parties and electoral workers were given three months to decide on the locations, with a deadline of July 31, 2001. Agreements were reached quickly in 44 of the 60 constituencies. Following a two-month extension, eight additional constituencies agreed on election day sites. In the eight remaining constituencies, there were approximately 67 polling

¹⁵ The electoral authorities had, at one point, considered a test pilot of the fingerprint identification machines for the 2002 national elections, but there was some dissent from the political parties. Ultimately, no fingerprint machines were used at the polls.



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one supervisor for every five polling stations. The EOJ would not accept persons who had previously served as indoor agents (a party poll watcher). Prior to naming the volunteer as an election day worker, the political parties were offered the opportunity to vet the names and object to any person considered partisan. The EOJ received 21,750 applications, of which the electoral authorities and political parties rejected less than 2,000. Candidates, once nominated, were given the same opportunity to vet the electoral workers, at which time a few more

The EOJ trained approximately 16,000 nonpartisan election day workers for the Oct. 16 election.

locations in dispute. Ultimately, the nominated members of the EAC and the director of elections settled the matter. Although the polling locations were resolved early in the election preparation, they again became an issue during the campaign period.

Election Day Workers and Indoor Agents

The electoral authorities made the policy decision to use newly selected election day workers. Popular perception in Jamaica was that electoral workers were partisan, thus reducing public confidence in the election results. Each polling station must have, at a minimum, two election workers: the returning officer and the poll clerk. Therefore, to manage all of the polling stations on election day, the EOJ needed to recruit a minimum of 15,000 volunteers.¹⁶

The EOJ, starting in November 2001, held town meetings, visited schools and businesses, and requested civil servants to volunteer as election day workers. Their goal was to have 18,000 trained volunteers, the requisite number plus an additional 20 percent reserve as a margin of safety, and enough supervisors to have

volunteers were released from duty.

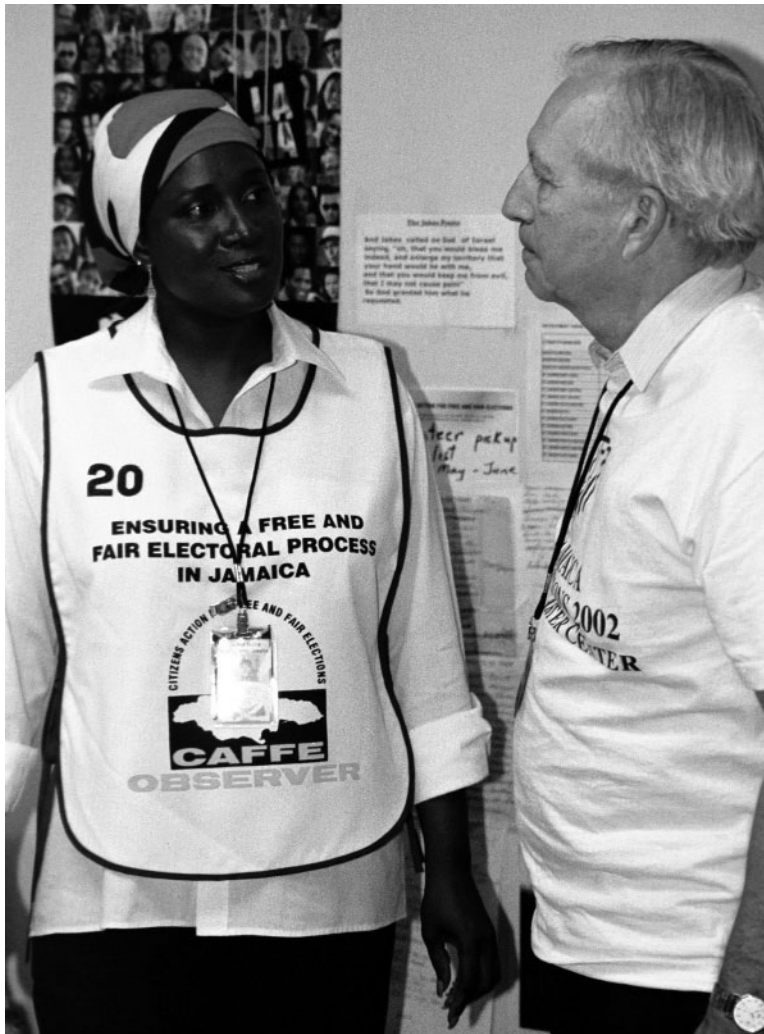
Though most felt the use of new electoral workers to be a positive step in increasing the transparency and confidence in the system, a few expressed the concern that inexperienced election day workers may be more susceptible to political pressure. Also, unless properly trained and tested, they may be slow to complete their electoral tasks, thus causing confusion and chaos at the polling station. Finally, it was expressed that many good poll workers were being discarded inappropriately.

The training of the election day workers began early in the preparations, and initially the EOJ hoped to have all persons trained by June 21, 2002. They did not meet this goal. The training regimen included lectures, video demonstrations, and role-playing exercises, as well as a manual that each election day worker was meant to receive. Once trained, these were the only electoral workers that would be

¹⁶ Although the election day workers volunteered to work at the polling stations, they did receive a stipend for attending training and for election day.



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and training for political party indoor agents. The EOJ envisioned this training to sensitize the indoor agents to their responsibilities, as well as to clearly define the limits of their role.

Targeting the Vulnerable Constituencies

Following a detailed analysis of past elections and consultation with political and electoral experts, the EOJ internally designated 15 of the 60 constituencies to be “at risk” for noncompliance with electoral principles. Of those 15, it was felt that eight of these had previously experienced flaws in the process but that with proper focus they could meet the requisite standards for a free and fair election. The other seven, however, were considered more difficult. The electoral authorities sent a letter to the political party leaders and prospective candidates for each of these constituencies, putting them on notice that they would be watched carefully.

For the first group of eight, the letter indicated that any electoral aberrations would be published, thus causing them additional problems and embarrassment. The chairman of the EAC and the director of elections visited the political representatives in the latter group of seven, with the message that they would be under a microscope and would be prime candidates

for a petition to the Electoral Tribunal to void the election results.

Further to the letters, the electoral authorities decided to place full-time EOJ employees at polling stations with a history of overvoting and fraudulent behavior. They also requested special police attention in these key areas. By using their own employees and

allowed to manage the polling stations. The electoral authorities were clear when they stated that they would rather not have a station open than use untrained, unvetted workers.¹⁷ With the training of approximately 16,000 election day workers, on Aug. 19 the EOJ announced the completion of training. While waiting for the election to be announced, the EOJ periodically sent the trained volunteers a missive to remind them of the upcoming election and their duties.

In addition to the training of the election workers, the EOJ pledged to provide informational materials

¹⁷ In past elections, indoor agents or voters waiting in line were used to substitute for election workers who failed to appear on election day. This practice created the potential for fraud, as it provided a possibility that intimidation could be used against trained workers to ignore fraudulent practices or to allow partisan substitutes to take their place.



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not allowing substitutions of trained poll workers, the administrators were attempting to “take back” the elections.

In addition to targeting the areas most vulnerable to election day violations, the EAC chairman and director of elections met with prospective candidates from all regions. In these meetings, the electoral authorities detailed the relevant laws with particular emphasis on the responsibility of the candidates and the sanctions that may be applied for breaches.

CAFFE

The Citizens Action for Free and Fair Elections (CAFFE) was once again actively recruiting volunteers. CAFFE was first established in 1997 as “Jamaica’s neutral non-partisan monitoring body.”

For the 1997 general elections, CAFFE was able to recruit and train 1,100 volunteers. They hoped to double that number for the 2002 elections. Although an incident during a by-election, whereby a Senator acted as a CAFFE observer, caused some embarrassment and raised questions as to the neutrality of the volunteers, in general CAFFE enjoyed a good reputation and political party confidence.

CAFFE hoped to have at least one volunteer at each polling location as well as roving observers that would move around on election day, but ultimately did not meet these lofty goals. Recruiting nonpartisan observers was particularly difficult this election, as the pool of candidates was reduced. The EOJ’s successful efforts to employ neutral election day workers meant fewer persons available for CAFFE. By nomination day CAFFE counted only 500 in their ranks of observers.

International Observation

Recognizing the importance of international observation missions and their need for involvement from the pre-electoral through the postelectoral phases, in December 2001 the Electoral Advisory Committee

issued an invitation to 10 leading organizations. It is a widely held belief in Jamaica that the presence of international observation has a chilling effect on the violence. We often heard the refrain that Jamaicans will behave better when outsiders are watching them.

Although The Carter Center was the only international organization to accept the invitation to observe the elections, other groups played a critical role in furthering the success of the elections. The National Democratic Institute, for example, assisted

in the training and organization of CAFFE volunteers and in advancing the Jamaican Chamber of Commerce-sponsored national debates. The United Nations Development Programme also played a role in the election through the provision

of technical, legal, and investigative experts for the political ombudsman.

The Election Centre would seek to resolve problems before they escalated into violence.

CONFLICT PREVENTION AND RESOLUTION MECHANISMS

In response to the severe violence and intimidation that had marred previous elections and threatened to spoil the 2002 general election, the electoral authorities and Jamaican leaders took a number of innovative steps for the 2002 elections.

Election Centre

Errol Miller, chairman of the EAC, proposed the creation of an Election Centre to bring together all key stakeholders, including representatives from the EOJ, EAC, political parties, security forces, and domestic and international observers, to facilitate the exchange of information and the constructive resolution of disputes. The Election Centre, as he designed it, was to operate solely at the national level as a forum for conflict resolution as well as a clearinghouse for information. Thus, it would be fully equipped with computers, databases, and telephones and would track incidents and complaints, follow-up actions, and



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outcomes. The factual information would then be disseminated through daily press briefings, reducing the rumors that have in the past created or intensified conflict.

In Professor Miller’s vision, Elections Centre would meet regularly to address any issues that arose and seek to resolve problems before they escalated into conflict. The selected EAC members would not be a part of Elections Centre; rather the political ombudsman would chair the meetings, with assistance from Danville Walker, the director of elections for all electoral administration matters. Although Professor

Miller hoped that Election Centre would be fully operational by June 15, it did not actually begin functioning until nomination day.

Code of Political Conduct

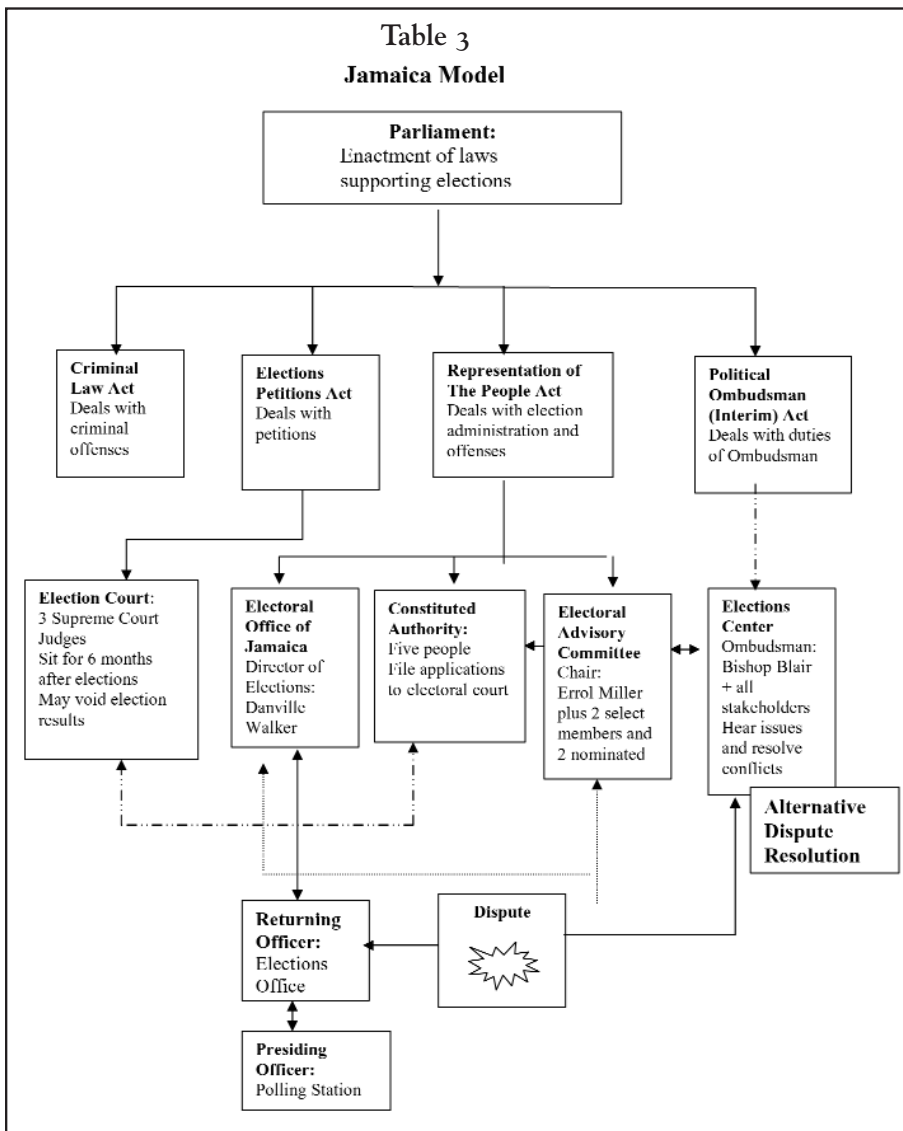
On June 11, 2002, Prime Minister Patterson, Leader of the Opposition Edward Seaga, and the chairmen of the PNP and JLP signed the Agreement and Declaration on Political Conduct, which includes a set of principles and code of political conduct. (See Appendix C.) The code, a revision of the 1988 code that was first prepared for the 1989 general election,

institutes a standard for acceptable behavior on the part of the candidates, voters, party activists, and security forces during the election.

The code includes seven main points: nonviolence and nonintimidation, safety of private and public property, avoidance of confrontation, public utterances, freedom of access to campaign and freedom of movement within constituencies, avoidance of defacing of buildings or installations, and a code of ethics. The agreement calls on all candidates, “along with an influential member of the community who is a part of the party organization,” to sign the code of political conduct and establishes that a senior ombudsman will be appointed to investigate breaches of the code.

Moreover, the agreement provides that the parties will work together to identify additional measures “which may be taken to reinforce this Agreement to improve relations

**Table 3
Jamaica Model**



PREPARED BY JEFFREY MAPENDERE



OBSERVING THE 2002 JAMAICA PARLIAMENTARY ELECTIONS

between the members and supporters of both parties, to eliminate politically motivated violence, and to encourage peaceful political coexistence, political campaigns, and elections.”

The legitimacy of the revised code of conduct was in question from its inception, as it had been in place in previous elections without success. Moreover, many doubted its usefulness as it lacked clear enforcement mechanisms and sanctions. The EAC claimed that it had no authority over electoral code violations, much less political code breaches, and would leave enforcement in the hands of others. Thus, the willingness of the political ombudsman to investigate breaches and to follow through with indictments that lead to prosecutions would be critical.

Political Ombudsman

The political ombudsman is not new to the 2002 elections. There had been a political ombudsman position in Jamaica from 1978 through 1999, when the office was abolished and the responsibilities placed in the public defender’s realm. However, with the worsening violence and threat of electoral intimidation, the political party leaders agreed to legislatively resuscitate the position. On July 23, 2002, Parliament officially approved the Political Ombudsman (Interim) Act to re-establish this independent position. Under the new bill, a political ombudsman will be appointed by the governor-general, on the advice and recommendation of the prime minister and leader of the opposition, for a seven-year term. The main duty of the political ombudsman is to uphold the political code of conduct.

The act provides the ombudsman with the power to investigate any action “that constitutes, or may constitute, a breach of any agreement, code or arrangement... between or among political parties

in Jamaica” or that could cause conflict between political party supporters.¹⁸ The investigation may be initiated on his own motion or arise from a complaint submitted to the political ombudsman’s office.

Complaints to the ombudsman must be in writing and cannot be made anonymously. The act provides “absolute discretion” to the ombudsman in deter-

mining the complaints that he will investigate. However, in cases that he will not investigate, he must provide his reason in writing. When the ombudsman proposes to begin an investigation, he is mandated to notify the prime minister and the leader of the opposition and “any officer of

a political party who is alleged” to have committed a breach and give them an opportunity to comment in writing. At the conclusion of an investigation, the ombudsman may make recommendations to the political party, including review of the action that was the subject of the complaint or compensation to the complainant.

Resurrection of the office of political ombudsman was discussed early in 2002; yet no name was forthcoming. After much debate, the governing PNP and opposition JLP finally agreed upon Bishop Herro Blair. Bishop Blair, an evangelical preacher, community activist, and chairman of the newly formed Peace Management Initiative, an organization tasked with resolving inter- and intracommunity violence, was sworn in on Aug. 9, 2002. Joining Bishop Blair in the political ombudsman’s office were an attorney, secretary, and 18 police officers assigned to conduct investigations into alleged breaches of the political code of conduct.

Spanish Town Incident

Almost immediately, the newly established conflict prevention and resolution mechanisms were tested when violence erupted in Spanish Town, a city

No person should engage in, adopt, or otherwise encourage any form of violence or intimidation in their political activities.

¹⁸ The Political Ombudsman (Interim) Act, 2002, Section 12(a), (b).



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within the constituency of St. Catherine Central, and three persons were killed. The violence broke out on Aug. 10, 2002, over the removal of colored political flags and the location of the PNP headquarters, which had been placed in a JLP stronghold. JLP officials claimed that the PNP's orange flags in JLP sectors were breaches of the political code of conduct. Residents used debris to block roads and marched with their party's flags, increasing fears that violence would escalate again. After a meeting Aug. 15 with Ombudsman Blair, the JLP member of Parliament for St. Catherine Central, Olivia "Babsy" Grange, and PNP candidate Homer White agreed to distance themselves from violence. White moved the PNP's office from the JLP area, and he removed the PNP flags in an attempt to reduce the tensions in St. Catherine Central.

Through this "test case," another player emerged in the effort to resolve conflict, the Ministers Fraternal. This group of clergy joined together to provide mediation and conflict resolution support during the heated discussions between the political party representatives. Already associated with Bishop Blair, the Ministers Fraternal were seen as another tool to promote peaceful elections.

Media

The media resolved to shift the focus of this election from the violence and political tribalism to the issues and hoped to encourage the politicians to do likewise. Initially, they planned to host 10 debates on identified issues, such as the economy and job creation, inner-city development, constitutional reform, etc. In both the 1993 and 1997 elections, there had been one debate organized by the Press Association of Jamaica, but it did not receive extensive attention. The number of debates was quickly revised, and by the end of May they were considering four debates

(two with leadership and two issue-related debates). Ultimately, the media, in partnership with the Jamaica Chamber of Commerce, hosted two nationally televised debates.

For this election, many of the largest media houses planned to work together to ensure the relevance and impact of the debates and the appropriateness and tone of election coverage. The media played a positive role in framing the pre-election period, as they sought to emphasize more than just the violence. For example, the media informally accepted the role

of disseminating information on the code of conduct and successfully used its public forum to place pressure on candidates to both sign and abide by the code. Media houses also provided voter guides and some free airtime and space. Unfortunately, during the campaign period

some of the positive focus gave way to controversial and negative advertising.

The media, in partnership with the Jamaica Chamber of Commerce, hosted two nationally televised debates.

SECURITY FORCES

The Jamaica Constabulary Force is tasked with ensuring that the elections are conducted peacefully and that criminal violations of the electoral law, or any other law, are investigated and sent to the public prosecutor. Some of the JCF electoral duties include accompanying the delivery and collection of ballot boxes; guarding the ballot boxes throughout election day; approving application for motorcades, public meetings, and rallies; and ensuring order.

Traditionally, in order to meet these expectations, the relatively small police force of 6,000 has hired special constables, called "one-day parish specials," to assist on election day.¹⁹ For the 2002 election, Police Commissioner Frances Forbes planned to hire 15,000 one-day specials who would be armed with

¹⁹ Although called one-day specials, these constables are authorized for 30 days of service. However, they are generally only used on election day.



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REBEKAH RALEIGH

Security experts Tom Haney and Chief Mike Berkow spent much of their time observing and accompanying the Jamaican security forces.

a baton and have the duty of ensuring order at the polling locations.

In addition, the Jamaica Defence Force (JDF) assisted the JCF as aid to the civil power. The JDF, like the JCF, is relatively small, with a total of 2,500 troops, including reservists; all are deployed on election day. However, unlike the police, the Jamaican army enjoys great popular support and is viewed as truly independent. This perception had begun to change recently with their increased acceptance of police duties, such as administering some local jails. In past elections, the JDF was forced to confront the police when rogue officers tried to tamper with electoral materials or ballot boxes. However, since the past election, the police and army had worked more closely on intelligence matters and hoped to parlay

this into a more harmonious election day effort.

To subvert the potential for impersonation of army personnel, the JDF planned to issue special identification to the soldiers 24 hours before the election. In the meantime, the JDF conducted electoral training for the troops, utilizing the EOJ handbook, and prepared their deployment plan and command posts, establishing a joint command post with the JCF and running their own independent post on election day.

Unfortunately, some Jamaicans did not initially hold much confidence in the security forces ability to successfully complete their multitude of tasks in a neutral manner. The police, in particular, had been managed under a PNP government for 13 years, with those in the police hierarchy “growing up” under one



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party. To the opposition, this meant an engendered loyalty that could adversely affect the JCF's ability to impartially fulfill their electoral duties. Moreover, there was concern that the 15,000 special constables would not be trained properly or supervised and thus could act in an unprofessional or biased manner on election day. Finally, there was recognition that both the police and the defence force lacked necessary resources, such as communication and transportation.

Mr. Seaga, in a speech given in London, England, on May 18, 2002, went so far as to state that police are being "hand-picked" to form squads to intimidate JLP voters. In a formal letter that he sent to the EAC, he stated that 41 members of the JCF had been selected to target JLP supporters during the election period. The opposition leader also alleged that a retired JCF officer and PNP supporter was responsible for interviewing and selecting all new recruits, thus potentially biasing the force.

The electoral authorities and the JCF committed to a number of activities in order to quiet these fears. For example, to overcome the sentiment of bias, EAC Chairman Errol Miller addressed the JCF directly, admonishing them to exercise total impartiality during the election. Police Commissioner Forbes repeatedly echoed this message. Additionally, the EAC worked with the JCF to establish a uniform security system to be used in all communities to

"uphold the security and validity of the electoral system." The EOJ issued identification cards to all members of the JCF, which included their name, rank, and identification number, and all JCF personnel were to be issued specially designed vests designating the officer's unit and identification number. The names of all special constables were given to the political parties for vetting, and the office of professional responsibility was charged with immediately investigating any allegation of police violation and empowered to immediately suspend the officer on election day. Emphasis was placed on training the police officers for their electoral duties, and local police superintendents attended the monthly constituency meetings of the EOJ and political parties.

The EOJ published a small pamphlet, *The Security Force and National Elections*, describing the role and responsibility of the security forces and the most pertinent electoral laws. This booklet was distributed to all JCF and JDF members, as well as to the one-day special constables. Moreover, they all received specialized training, often provided by the EOJ at its own cost. On Aug. 22, 2002, Commissioner Forbes announced that the JCF was ready for elections and prepared to perform at the highest professional standards. ■



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CARTER CENTER PRE-ELECTION ASSESSMENT MISSIONS

The Carter Center, with the assistance of expert consultants, conducted three pre-election assessment trips to Jamaica. The goals of each of these assessment missions were to better understand the problems, concerns, and potential obstacles to a successful election and to gauge the progress of the key stakeholders in meeting their stated objectives with regard to the electoral environment.²⁰

CARTER CENTER FEBRUARY 2002 ASSESSMENT

At the invitation of the Electoral Advisory Committee and the welcome of the major political parties, a Carter Center delegation visited Jamaica to explore the need and potential for international observation. The team, comprised of Jennifer McCoy, director of the Americas Program, Matt Hodes, senior associate director of the Conflict Resolution Program, Laura Neuman, senior program associate of the Americas Program, and Amy Sterner, project assistant, assessed the conditions for the election, particularly the electoral preparedness and the developing security issues. In addition to questions of electoral administration, we focused much of our attention on the widespread concern of a rise in political violence during the electoral period.

The delegation met with representatives from the major political parties, the electoral authorities, the security forces, nongovernmental organizations, the private sector, academia, and the media. Political party leaders were eager for The Carter Center to observe the elections, with the most enthusiasm from

the three opposition parties. Jamaicans from other sectors were virtually unanimous in their concerns about the potential electoral violence and their desire for Carter Center observation.

On this exploratory mission, we found the election officials to be much better prepared than in 1997. Many reforms had been instituted, and the problematic areas in the last general election, such as the voter registry and distribution of identification cards, were largely resolved.

The most often voiced concern was the potential for violence in what appeared to be a very close race between two longstanding leaders. The polls indicated a neck-and-neck race with many voters undecided. Previously, much had been made of the fraudulent voting practices in the garrison communities.

On this trip, we were advised that the greater risk were the marginal constituencies, where the whole election could be won or lost with a matter of a few votes. As a result of this assessment mission, The Carter Center decided to accept the EAC invitation to observe the

elections, pending our ability to raise the necessary resources from international sources.

CARTER CENTER MAY 2002 ASSESSMENT

As informal campaigning began in earnest, The Carter Center organized a pre-election delegation to visit Jamaica from May 26-May 31, 2002. The mission focused primarily on the technical electoral preparations, the role of the security forces, and the political climate and again met with election

The most often voiced concern was the potential for violence in what appeared to be a very close race between two longstanding leaders.

²⁰ All Carter Center election statements can be found at www.cartercenter.org.



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officials, political party leaders, the Jamaican security forces, church leaders, and representatives of the private sector, media, and civil society. Although great strides had been made related to electoral administration, violence was again raised as a major concern during our second pre-electoral assessment. Most Jamaicans with whom we spoke saw no middle ground concerning the issue: They argued that the 2002 elections would either be completely peaceful, or conversely, the most violent in Jamaica's history.

The delegation, led by Laura Neuman, senior program associate and Jamaica Election Project lead, and Ron Gould, former assistant chief electoral officer of Elections Canada, included Tom Haney, director of the Police Leadership Program at Dalhousie University, Canada; David Pottie, senior program associate of the Democracy Program at The Carter Center; and Amy Sterner, project assistant in the Americas Program at The Carter Center.

As with our February assessment, we were favorably impressed with the EAC and EOJ. The collegial working relationship among the independent members of the EAC and the political party representatives and the method of jointly consulting and effectively resolving many difficult electoral issues resulted in an effective decision-making body. They clearly had built great credibility for the electoral process and laid the groundwork for a mature, professionally run, and peaceful electoral campaign.

There was widespread confidence in the efforts and achievements of the electoral authorities, including the registration and voting day systems, agreement on the location of all polling locations and polling stations, and the recruitment of nearly 20,000 nonpartisan polling officials. During this trip, we discussed the EAC's proposed Elections Centre in greater depth and encouraged all relevant participants

to explore ways to reproduce this national approach for conflict prevention and resolution at the constituency level to enhance transparency in those places where misunderstandings, rumors, and conflicts often start.

Prior to our arrival, the provisions of a political code of conduct and authorization for a political ombudsman were discussed but not yet enacted.

Although encouraged by the climate of consensus, we urged the authorities to move forward expeditiously and to include appropriate monitoring and enforcement mechanisms in these conflict prevention tools in order to augment their credibility and effectiveness.

In general, we found the political situation calm and that many Jamaicans believed these elections would build on this trend towards more peaceful elections. However, others continued to fear that the political intimidation and violence of past elections might reoccur, as the two major political parties positioned themselves for election day. We contended that political parties must be held accountable to their commitments to the peaceful conduct of their election campaigns and effective enforcement of a code of conduct, and the activities of the political ombudsman would support the achievement of this goal.

Moreover, we felt that incumbent candidates should strive to separate their campaign expenditures from state resources and take care to avoid using their official duties as a campaign tool. We heard concerns related to the financing of politics and urged the parties and their candidates to commit themselves to increased transparency and integrity in campaign finance.

Commissioner of Police Forbes and Rear Admiral Lewin, in our meetings, expounded on the security forces' plans for training and election

The collegial working relationship among the independent members of the EAC and the political party representatives and the method of jointly consulting and effectively resolving many difficult electoral issues resulted in an effective decision-making body.



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REBEKAH RALEIGH

Commissioner of Police Francis Forbes and his team meet with Jamaica project lead Laura Neuman and Tom Haney.

day deployment. As in 1997, members of the JCF would be issued special vests for election day to ensure that all legitimate members of the JCF on duty may be easily identified, and both the JCF and JDF were to have special identification cards. Perhaps most importantly, the commissioner felt that the present political climate was conducive to a non-violent election. Finally, both security force leaders invited The Carter Center to have a representative join them in the joint operations command post and in the field during the electoral period.

Overall, we found that there had been many positive achievements in preparation for Jamaica's elections. But, as always, the true test of these efforts would be seen in their effective implementation.

At the conclusion of this trip, we issued a statement at a press conference. In our public release we provided preliminary insights and recommendations, and we formally accepted the invitation to observe the upcoming elections.

CARTER CENTER AUGUST 2002 ASSESSMENT

A small Carter Center team returned to Jamaica on Aug. 20 for our third pre-election assessment

mission. The primary focus of this trip was the progress on implementation of the proposed conflict prevention and resolution mechanisms. The electoral authorities and political party leaders had accomplished much since our previous visit, including naming a political ombudsman, enacting electoral reform to allow poll workers to vote in the early special election day, and signing the code of political conduct.

We found the appointment of Herro Blair as ombudsman was met with great approval, and we

encouraged the authorities to provide the appropriate resources and support in order to allow him to best fulfill his mandate. Moreover, discussion of the code of conduct had become a regular feature in the media, and efforts were underway to have local candidates, in their constituencies, endorse the code of conduct through their own signatures. We again urged all citizens to act as monitors of this code and to hold their politicians to the letter and spirit of the document.

The EAC continued to focus on developing the Elections Centre, thus creating conditions under which conflict and electoral malpractice could be addressed in a speedy manner with the participation of the key electoral actors. The Elections Centre had found a permanent location and convened for an orientation meeting. Nevertheless, we felt that the ultimate success depended on full participation of the members and that there remained a need to further define and clarify the resolution process, bearing in mind the need for flexibility and coordination.

Immediately prior to the arrival of the Carter Center team, comprised of Laura Neuman and John Harker, international peace building and conflict prevention consultant, political confrontation and deaths in St. Catherine Central threatened the



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otherwise largely peaceful election climate. The Carter Center stated our abhorrence of violence in all forms. Nonetheless, we were encouraged by the mechanisms used to resolve this particular conflict. On this occasion, additional violence was averted by the prompt intervention of the electoral authorities, the political ombudsman, and local church leaders and by the responsiveness of the area candidates. These key electoral players demonstrated a renewed determination to cooperate to resolve problems and prevent further conflict. A panel comprised of Ministers Fraternal and lay community leaders played a significant role in resolving the local conflict and encouraging respect for the code of political conduct. Thus, we recommended that their involvement in conflict resolution be formalized under the auspices of the political ombudsman, with the support of the electoral authorities, and that such panels be established in all constituencies.

As always, The Carter Center recognized the importance of domestic observation to support the citizen's right to vote. We applauded the efforts of CAFFE to recruit, train, and deploy observers throughout the island and urged all segments of Jamaican society to step forward and respond to this initiative.

Finally, we were pleased to see campaigns increasingly focused on issues and looked forward to the upcoming planned debates. At the conclusion of this trip, The Carter Center issued its second report.

PRESIDENT CARTER'S STATEMENT

The weekend of Sept. 13 saw additional violence as two men were killed and at least 14 others injured in Central Kingston. Although the PNP denied this was linked to politics, calling it instead "gang-related" violence, the implications for a peaceful campaign period were obvious. Concerned that this could turn the tide toward a more confrontational electoral contest, President Carter issued a statement on Sept. 19, 2002, pointing out that "in this time of electoral competition, everyone must demonstrate respect for peaceful elections. I encourage local politicians to sign the code of conduct and demonstrate their personal dedication to its principles, and I urge all Jamaicans to uphold these principles in order to reduce inflammatory campaign rhetoric and election-related violence." ■



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NOMINATION DAY AND THE OFFICIAL CAMPAIGN PERIOD: SEPT. 22 – OCT. 15, 2002

The long wait for elections to be called was finally over. On Sept. 22, 2002, at a PNP rally held in Kingston which drew an estimated 100,000 supporters, Prime Minister Patterson announced that the general election would be held on Oct. 16, 2002, and nomination day on Sept. 30.

THE CARTER CENTER FIELD OFFICE AND MEDIUM-TERM OBSERVERS

In designing the Jamaica mission, The Carter Center determined that in addition to our traditional observation of the technical electoral issues and political climate, we would focus on the marginal constituencies, the potential for violence, and the efficacy of the conflict prevention and resolution mechanisms. In order to meet these goals, we recruited experts in electoral administration, policing, community development, community dialogue, and conflict resolution to arrive in Jamaica prior to nomination day and remain through election day.

The Carter Center opened a field office in Jamaica on Sept. 26, 2002, four days after the election was announced. Laura Neuman, the field office director, Amy Sterner, Jamaica project assistant, and Sharon Northover, logistics assistant, staffed the field office, located in Kingston. On Sept. 28, nine of the 13 medium-term observers (MTOs) arrived in Kingston for two days of briefings. These MTOs were deployed on Sept. 30 to observe nomination day and to become familiar with their designated constituencies. The

MTOs remained in the field from nomination day through election day, closely monitoring electoral preparations and political party activity and assessing potential conflicts in almost 20 constituencies, comprised mainly of “marginal” and garrison constituencies.

Supplementing the MTOs in the field, The Carter Center enjoyed the collaboration of five technical experts in the areas of Jamaican politics, security and policing, electoral administration, conflict prevention, and electoral laws and appeals resolution. These international experts supported the Jamaican institutions. The Jamaica Constabulary Forces and



THE CARTER CENTER

The medium-term delegates and expert consultants prepare to observe nomination day and deploy to their focus constituencies.

Jamaica Defence Forces opened their doors to Tom Haney, director of the Police Leadership Program in Canada, and Irvine, California Chief of Police Mike



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Berkow, while Ron Gould, former assistant chief of Elections Canada, spent the majority of his time with the Electoral Office of Jamaica. Conflicts prevention expert John Harker attended all meetings of the new Elections Centre and provided valuable international comparative experiences. Later in the process, Luis Alberto Cordero joined the team of expert consultants as he reviewed the legal framework for elections, with a particular emphasis on the appeals process and resolution mechanism in the case of a tie (each party winning 30 constituencies). Finally, Dr. Amanda Sives, an expert on Jamaica politics, joined field office director Laura Neuman in focusing on the political situation, meeting with the political party representatives and reviewing the overall climate for elections 2002.

The MTOs were deployed to locations throughout the island and spent nomination day at eight nomination centers. From nomination day through the election, they met regularly with election officials, political parties, security forces, the political ombudsman, the domestic observation group CAFFE, church representatives, and civil society organizations in their focus constituencies.

During the campaign period, Carter Center MTOs deployed in the corporate area often heard of acts of violence and were, in fact, nearby a number of alleged shootings. In our time in the constituencies, we witnessed and perceived the negative effects of motorcades, from simple traffic accidents to incitement of near-riots. However, most common during this period were reports of intimidation or plots for election day coercion. The MTOs and expert consultants met on a regular basis to discuss the most pressing issues, both political and electoral, affecting their constituency. The team quickly learned that what was happening in Kingston and the neighboring constituencies was not necessarily indicative of the state of affairs for the rest of the island.

NOMINATION DAY

Nomination day is the start of the official campaign period and must by law occur not more than seven days after the *Gazette* publication of notice of elections. On this day, the candidates submit formal nomination papers, signed by 10 registered voters from the constituency, and the requisite deposit of \$3,000 Jamaican dollars (approximately \$60 U.S.) to the EOJ.²¹

Nominations occurred in each constituency from 10:00 a.m. – 2:00 p.m. and were held at the local courthouse or at one of the main polling locations. In the past, there had been some conflict as rival parties sought to nominate their candidates at the same time or party loyalists clashed in the streets outside the

nomination location. To avoid such an occurrence in this election, each party was given a specific time to appear to complete the nomination procedures for their candidate. In general, the EOJ tried to have the larger parties complete their nominations in the first part of the morning and last part of the day, with the smaller parties and independent candidates in between.

For the electoral authorities and the security forces, nomination often serves as a practice run of their deployment plans and organization and offers a glimpse into potentially conflictive areas. However, this nomination day was less about violence and preparedness for the election and more about simply staying dry.

Prophetically, Sept. 30, 2002, saw both nomination day, signaling the start of some tumultuous campaigning, and Tropical Storm Lili. The storm, which turned into a hurricane over Jamaica's northern shores, stalled over the eastern and northern parts of Jamaica, damaging houses and causing massive flooding. In the corporate area, the continual rain washed away bridges and flooded many low-lying

Prophetically, Sept. 30, 2002, saw both nomination day, signaling the start of some tumultuous campaigning, and Tropical Storm Lili.

²¹ The deposit of \$3,000 Jamaican dollars is refundable if the candidate receives at least 12.5 percent of the popular vote in his or her constituency.



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streets. Although the storm may have served as a natural deterrent to the formation of large crowds, in most locations our observers witnessed groups of more than 100 party supporters accompanying the candidate. Political party exuberance was evident throughout the island.

Overall, nomination day went smoothly in all of the centers that we observed. In the Montego Bay area, there were some minor incidents of parties interrupting each other's motorcades as they headed to and from the nomination center, but the scheduling of parties at specific times was helpful in reducing the potential for conflict. Heavy security was present at all nomination centers, although because of the flooding, the JDF was occupied in search and rescue missions so they were unable to test their deployment plan.

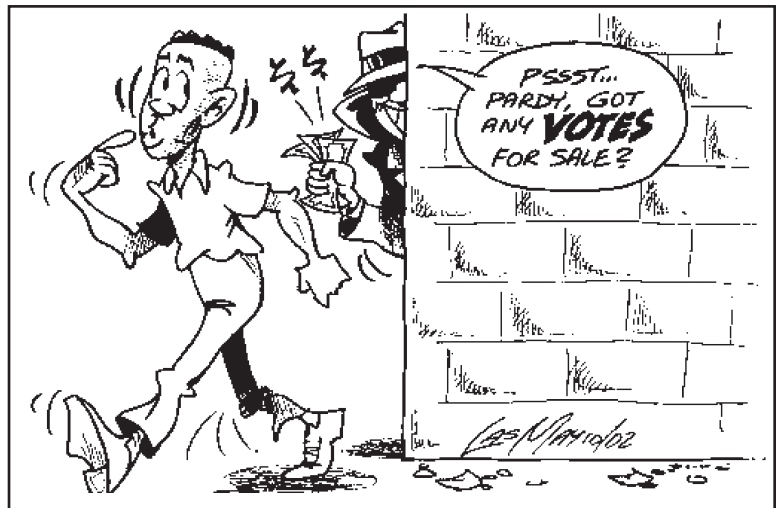
At the nomination centers, we observed an orderly process with sufficient electoral workers and all necessary electoral materials. The crowds that arrived with the candidates were kept outside the nomination centers and were, for the most part, calm. A few procedural issues were noted, such as UPP candidate Alton Duhoney, who filled out the nomination papers incorrectly on two separate occasions and remained un-nominated at the end of the day. In St. Andrew West Central, one of the "problem" constituencies, an independent candidate withdrew, allegedly due to death threats, and another independent named Patrick Roberts registered as a candidate. He was to challenge the better-known PNP candidate, also named Patrick Roberts. Interestingly, supporters wearing JLP green accompanied the "independent" Patrick Roberts on nomination day, leading many to posit that this nomination was an attempt to confuse voters.

CONTINUED PREPARATIONS

Once the election date was determined, the EOJ began distributing materials to their local

constituency offices. Each ballot was made specific to the polling division and included the constituency name and division on its face. It was not specific to polling station. The metal ballot boxes also were delivered to the constituency office. Since the 1997 elections, a number of voting locations changed and the electorate's polling station amended. To ensure that all person's knew where to vote, the EOJ sent out postcards to every registered voter indicating the person's polling location and station. While most people that we met received their postcard before election day, a significant number did not.

In the interim period, from nomination day through the election, the EOJ provided "refresher" training courses for election day workers. The JCF, meanwhile, prepared the joint operations center and finalized deployment plans. Although earlier they



had stated that the one-day special constables would be assigned to a permanent police officer, the plans emerging indicated that in some instances the one-day specials might be working alone. Concerns were raised that these untrained and unsupervised persons could cause problems on election day, and the JLP continued to request that each polling location have at least one permanent police officer and one army officer.

Election day simulations, with particular emphasis on transmission of electoral results, took place in



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most of the constituencies. Unfortunately, not all were completed successfully. The continuing rain and concomitant flooding was of even greater concern to the electoral authorities. Many of the voting locations were planned for outdoor areas; thus their feasibility was in question, and rains carried the potential for discouraging voting. The widespread flooding made transportation difficult, potentially hampering both voters and the distribution and collection of electoral materials.

The political party representatives had, in principle, agreed on all voting locations, electoral day workers, and one-day special constables. However, the electoral law specifies that the powers and rights belong to the *candidate* rather than the party. Thus, once the candidates were formally nominated, previous decisions were open for review.

One issue that immediately drew the candidates' attentions was the location of certain polling places. For example, PNP candidate and Minister of Information Colin Campbell was concerned that some polling locations were not in public buildings and that his followers would be forced to cross JLP strongholds in order to cast their ballots. His concerns were not unique, as a number of candidates from all parties lodged similar complaints.

Candidates also raised concerns about the independence of certain electoral workers. The EOJ, having already provided opportunity for the political parties to vet the names and having completed training, was not inclined to remove volunteers without evidence of bias and due process for the worker. In the end the candidates agreed on the majority of workers, and only in a few obvious cases were the workers dismissed.

Finally, some candidates questioned the registration process. They believed, particularly in the marginal constituencies, that nonresidents were registered to vote in their constituency. When a handful of votes could determine the election result, it is understand-

able why this would be an area of concern. However, all officially recognized political parties were offered the opportunity to appoint scrutineers to be present at the registration centers and to accompany the EOJ employees as they distributed identification cards and made house-to-house verification of voters.²² The EAC and EOJ felt these measures

were sufficient to discourage much of the potential electoral fraud. In a related concern, candidates in difficult races believed that "safe houses," complete with weapon caches, had been established prior to nomination day and that gunmen would be used to stop voters, thus allowing "special voters" to cast ballots in their names. No formal complaint regarding this concern was lodged.

Leading up to the formal election period, the electoral authorities emphasized their plan to request that the Election Court immediately void election results where there were violations of the electoral law. The "voiding tool" became much discussed as its own means of manipulation—a political tool of sorts should a party feel that voiding the election would ultimately be of benefit. Nonetheless, the electoral authorities, by continuing to monitor closely the "at risk" constituencies, discuss voiding of results, and proclaim publicly that no polling station would open with untrained electoral workers, effectively convinced the public that the appropriate safeguards were in place and discouraged proclamations of potential frauds.

The electoral authorities, by continuing to monitor closely the "at risk" constituencies, discuss voiding of results, and proclaim publicly that no polling station would open with untrained electoral workers, effectively convinced the public that the appropriate safeguards were in place.

²² Official political party scrutineers receive remuneration from the EOJ.



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Campaigning and Politics

Assertions of violence and intimidation of voters began as early as May. These claims, and incidence of violence, intensified during the campaign period. Although the early part of the campaign period was dominated by traditional politics, such as the news of Bruce Golding's return to the JLP and Mr. Seaga's platform of free education, overwhelming attention was placed on the daily conflicts and rumors of potential skullduggery.

Bruce Golding's resignation from the NDM encouraged many to speculate that he was being wooed back to the JLP with promises of a leadership position and party reform. Although he had left the JLP under a cloud, he retained a high degree of popularity within the membership and credibility from outside. The rumors came to fruition when, on Sept. 25, he rejoined the JLP party. This reunion gave the JLP a boost in spirits but not in the polls as they indicated a dead heat.

experienced or witnessed questionable activities within the constituencies, paradoxically some opposition candidates were leery of reporting these for fear of discouraging voters.

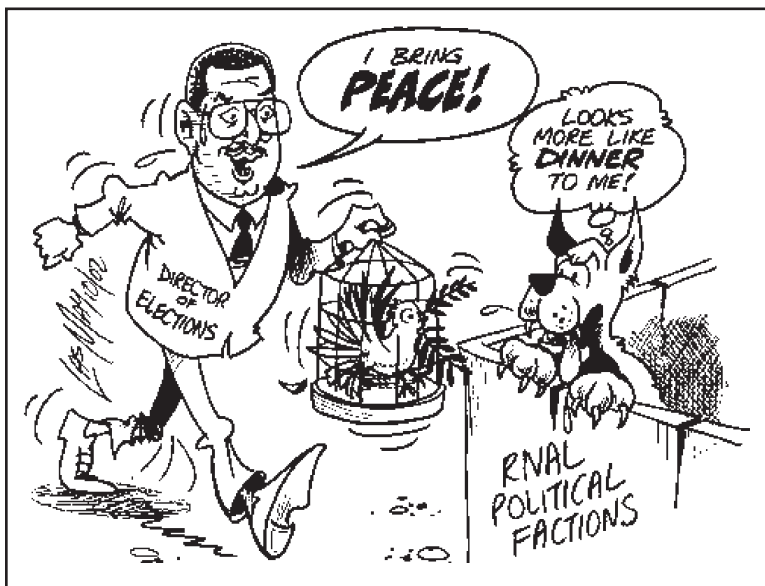
Rumors of plots and subplots dominated the discourse in the beginning of October as Superintendent Adams told reporters that the JCF had intelligence indicating that gunmen were preparing to disrupt election day. The JLP claimed that the uncovered plot indicated that three critical (and marginal) St. Andrew's constituencies were the targets. SSP Adams clarified that the persons behind these plots were criminals rather than political party members. Commissioner Forbes said that they were monitoring the intelligence and would take the appropriate action.

There were daily reports of violence during the campaign period including gunfights in at least 10 different constituencies, stoning of cars and buses during motorcades, and the stabbing of one candidate.

According to the newspapers, there were 46 murders in the 13 days beginning right before nomination day and into the campaign period. It remained difficult to distinguish the political violence from everyday criminality, but by many accounts there were at least five politically motivated murders the weekend of Oct. 5-6. That same period saw shootings at motorcades and political rallies, burning of political supporters' buildings and cars, and stoning of vehicles. Though the violence occurred primarily in the constituencies of Kingston, St. Andrew, and St. Catherine, there were also reports of attacks and great political tension in otherwise peaceful areas such as Central Manchester and St. Thomas.

Negative advertising and public graffiti, contrary to the code of conduct agreement, further fueled the tense relations.

In response to the upsurge in violence, the independent members of the EAC met with the director of elections and the political ombudsman. In a letter from EAC Chairman Miller, they called on



COURTESY OF The Jamaica Gleaner

Political parties, particularly those in opposition, struggled to manage the perception of violence and accompanying fear. For the opposition to win, they believed a high voter turnout was necessary. However, fear of intimidation and violence were likely to keep some voters at home. Although they may have



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the commissioner of police to ban public campaigning in six constituencies: Kingston Central, St. Thomas Western, St. Andrew West Central, St. Catherine Central, Manchester Central, and St. Andrew Eastern. On Oct. 8, Commissioner Forbes, tasked with responsibility for issuing licenses for motorcades, marches, and public meetings, agreed to the ban on future campaign activities and rescinded all previously approved licenses in these constituencies. The campaign ban in St. Andrew West Central was ultimately lifted.

Initially, the candidates and political parties objected to this drastic measure. However, after a long meeting with the political ombudsman, they apparently accepted the decision, issuing a joint statement calling on their supporters to work toward a more peaceful election. Although considered by many to be the only answer to stemming the tide of violence, others complained that the ban was not consistently or uniformly enforced, specifically in the case of a previously scheduled appearance by Prime Minister Patterson, which was allowed to proceed.

Table 4

Murders Committed in Jamaica for Period Jan. 1, 2002 to Nov. 29, 2002 and Their Alleged Motives

Murder Motive	2002		
	Rep	%	C/up
Drug Related	31	3%	16
Gang Related	149	16%	65
Domestic	262	27%	162
Reprisal	314	33%	141
Robbery	123	13%	56
Undetermined	51	5%	2
Prisoner Disturbances	0	0%	0
Mob Killing	10	1%	0
Political	12	1%	2
Police/Criminal Confrontation	2	0%	3
Rape	6	1%	5
TOTAL	960	100%	452

Additional efforts to reduce the violence and minimize conflict included a curfew in volatile neighborhoods such as Central Kingston, church sermons and prayer activities, peace rallies, and the removal of inflammatory political advertising from the airwaves. One candidate in St. James Northwest released a white peace dove on nomination day. Inauspiciously foreshadowing the coming 16-day campaign period, the dove immediately flew into electric wires and died. Various community and religious groups organized constituency “walk-throughs,” in which candidates from opposing parties visited the constituency together, as well as peace marches. Unfortunately, many of the candidates failed to participate, even after pledging their attendance.

On Oct. 12, diplomats from the three largest embassies took the unusual step of issuing letters to Prime Minister Patterson and Leader of the Opposition Edward Seaga. The letters, signed by Canadian High Commissioner John Robinson, British High Commissioner Pete Mather, and United States Ambassador Sue Cobb, called on these leaders to create a more peaceful electoral climate. The international message was clear: Critical trade partners and allies were watching the election closely and charged these political party leaders to better control their followers.

In response to the diplomats and pressure from influential groups such as the Private Sector of Jamaica, the Jamaica Council of Churches, and the tourist industry, the two leaders issued a joint statement denouncing the violence and calling for peaceful elections. In a one-page letter published in the national newspapers, Prime Minister Patterson and Edward Seaga wrote, “We as leaders need to stress that we denounce any activity not conducive to peace and unity. We are once again appealing for a peaceful election campaign.” They went further in this missive as they warned party members that they would not protect anyone involved in breaking the law, but would instead turn them in to the authorities.

Although tackling the overt violence, it was more difficult to reduce the perception of intimidation. Subtle events, such as a party for a candidate that



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REBEKAH RALEIGH

This child joins the call for peace during a political party motorcade.

included notorious gunmen, were beyond the reach of the electoral authorities. Other forms of potential intimidation, or mere tomfoolery, were more easily resolved. One such case was in St. Catherine Northeastern where the PNP headquarters was established across the street from the electoral office. The JLP, concerned that this would discourage their supporters from registering or visiting the local EOJ, petitioned for the PNP offices to be moved. The EOJ granted the request and notified the PNP that they should find a new location for their headquarters. Following such orders, the PNP relocated. This time they placed their offices across from the JLP headquarters.

Final political party rallies drew huge crowds, as politicians geared up their followers for the last days of the campaign. An estimated tens of thousands attended the JLP mass rally held at Half Way Tree in Kingston (some say there were more in attendance than at the 100,000 strong PNP rally where the election date was announced), and closing rallies around the country drew thousands for both parties.

The polls continued to evidence a fluid race and one that was too close to call. The Stone poll, published in the *Jamaica Observer* and drawn on Oct. 8–10, gave the PNP a lead of 1 percentage point over the JLP, with a margin of error of 3 percent. In contrast, the Anderson poll conducted in the same time period, Oct. 7 and 10, showed the PNP ahead by 7 percentage points, with a margin of error of 3.1 percent. By election day, both pollsters were prophesying a PNP victory, with the Stone poll indicating an incredible surge of 9 percentage points by the PNP, with a margin of error of 3 percent.

ELECTIONS CENTRE IN ACTION

With the start of the campaign period, the work of Elections Centre began in earnest. The representatives assigned to comprise Elections Centre met on a regular basis, discussing both political and electoral concerns. Initially it was contemplated that the political ombudsman would chair the meetings, but Bishop Blair felt that this might create a conflict of interest. Although Bishop Blair did attend the



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majority of the meetings, Director of Elections Danville Walker spearheaded the efforts of Elections Centre.

The Jamaica Friars donated two buildings to the election efforts. One building held the Constituted Authority, with a conference room and offices.

The second, larger building in the complex was converted into quarters for Elections Centre, designated offices for each of the representatives to Elections Centre, an EOJ call center to

receive and register complaints and election results, a computer room, press area, and an area that became CAFFE headquarters.

At the outset, it was envisioned that Elections Centre representatives would meet on a daily basis. At the first formal meeting, held at the close of nomination day, the members decided to convene only twice per week, on Mondays and Thursdays. There was no agenda, and the first meeting was free-flowing, with a relatively relaxed attitude. The Thursday meeting was livelier with a full slate of issues, such as the JCF-uncovered plot and the gunfire in the Mountain View area of St. Andrew's. The political ombudsman, Bishop Blair, suggested starting daily meetings, thus reverting to the original concept, but this was not instituted until the last week of the campaign period. By the next meeting, a "logistics consultant" was hired and an agenda and minutes soon followed, only to be discontinued as the election drew nearer.

Issues that were brought to Elections Centre included such matters as intimidation of electoral workers, location of polling stations and political party headquarters, and the incidents and allegations of violence. Although these matters were discussed, little was resolved during the meetings. Elections

Centre provided an opportunity to hear from other stakeholders and established a framework for possible interventions, but in general the meetings were not action-oriented. It was not unusual for one or another of the stakeholders, particularly Mr. Walker or Bishop Blair, to say more than once in a meeting

that "they would look into it" or "they would call someone." Elections Centre was a forum that allowed the principals to discuss their concerns, but rarely was a matter actually resolved in the space of one

Elections Centre meeting.

One exception was the St. Ann Northwest march. At an Elections Centre meeting held Oct. 7, the JCF representative explained that both the PNP and the JLP requested a license for a march through the constituency. Unfortunately, the proposal was for the same day with intersecting routes. The JCF was having difficulty reaching a solution among the local candidates. In the course of the Elections Centre meeting, each national party representative contacted

the local candidate and, as a group, the routes were altered and march times changed, thus quickly resolving a potentially contentious issue.

The Election Centre forum served an important purpose in providing the principals an opportunity to air a range of

concerns. More importantly, however, the meetings fostered a relationship of trust and friendship among the various stakeholders that was useful during more conflictive moments.

The Election Centre ... meetings fostered a relationship of trust and friendship among the various stakeholders that was useful during more conflictive moments.

The presence, activism, and moral suasion of Bishop Blair played a large role in containing conflict during the campaign.

POLITICAL OMBUDSMAN

During the campaign period, the political ombudsman received the majority of complaints from the political party leadership or candidates.



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There was no budget for public education, so most citizens were unaware of their right to make a complaint. Moreover, the Ombudsman's Act mandates that all complaints be in writing. These and other technicalities created the potential to paralyze Bishop Blair as he sought to resolve conflict. Rather than allow this to occur, Bishop Blair would intermittently "change hats" and attend to a situation as the chair of the Peace Management Initiative (PMI).

Minister of National Security Peter Phillips launched PMI in early 2002. Comprised of community leaders and political party representatives, PMI was charged with resolving conflict in Kingston's most unstable and violent communities. The goal of PMI is to diffuse tension before it escalates into a larger, more violent situation. In addition to addressing immediate problems, PMI focuses on effectuating long-term changes in the culture of violence. As chairman of PMI, Bishop Blair can act independently when conflict arises, such as attending the scene of escalating tension in an effort to mediate a peaceful resolution. His PMI "hat" is considerably more flexible than his political ombudsman position. Thus, when conflict arose during the campaign period, Bishop Blair chose which of his overlapping roles would be most effective.

When violence exploded in Spanish Town in August, Bishop Blair raced to the area as chairman of PMI. During the campaign period, when shooting erupted in the Mountain View area of Kingston, Bishop Blair again attended the scene. However, in that case it was unclear whether he was present as the political ombudsman or chair of PMI. What was clear was that the presence, activism, and moral suasion of Bishop Blair played a large role in containing conflict during the campaign. A report drafted by the political ombudsman's office states that prior to the election, the political ombudsman made recommendations "to end many practices that sought to mar the atmosphere of a free and fair election process." These recommendations were seen by the public as "rulings" from the political ombudsman and facilitated the process of the dismantling of flags and the cessation

of politically motivated graffiti and posting of posters of candidates in the public domain.

DEBATES

In an effort to encourage an issue-oriented campaign, the Jamaican Chamber of Commerce and Media Association of Jamaica partnered to establish The Debates Commission. Initially envisioned as a series of debates, each focusing on a critical issue affecting Jamaica, the number of debates was reduced to two. Three television stations and five radio stations joined together to broadcast the two debates, thus assuring a wide audience.

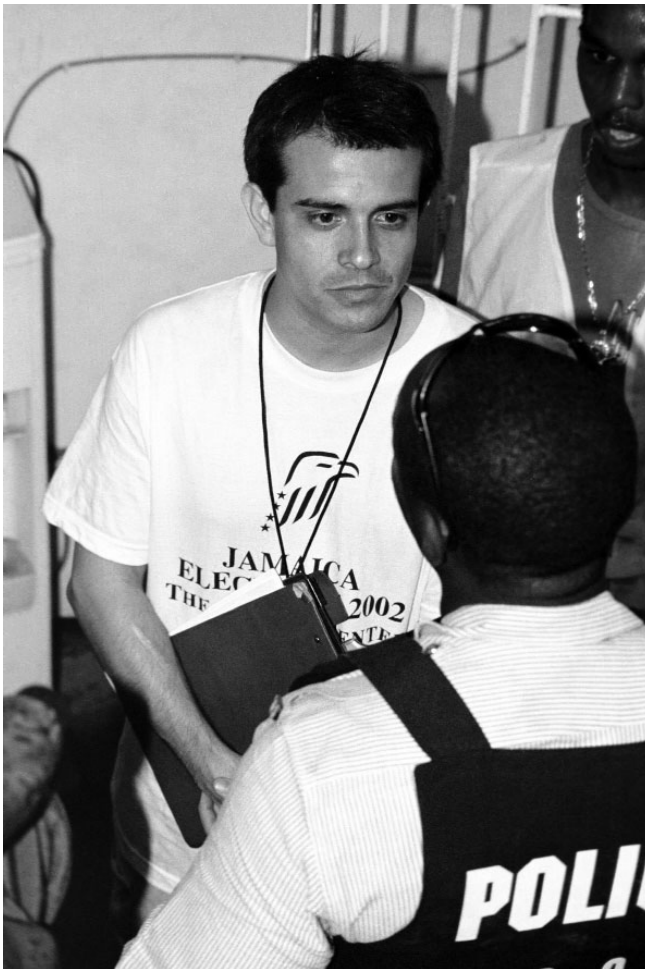
The first debate, held on Oct. 8, 2002, pitted two PNP and JLP second-level party leaders, PNP Minister of Finance Omar Davies and Minister of Education Burchell Whiteman versus JLP heavyweights Audley Shaw and Bruce Golding. The other contesting political parties, such as the NJA and UPP, were not invited to participate in the debate.

On Oct. 10, the second debate took place, this between Prime Minister Patterson and Mr. Seaga. The format allowed for two panelists to ask questions of the leaders. Each discussant answered the same questions, some of which focused on crime and violence as well as education, corruption, and the economy. One question that sent shock waves through the live viewing audience was whether either of the candidates had witnessed a party supporter with an illegal weapon.

In preparing for the events, The Debates Commission overcame a number of obstacles, including political party demands and the withdrawal of some panelists. Although the debates were not what the commission had originally planned, it is a testament of their commitment that the debates actually occurred. In the end, the two one-hour debates were an important step in reducing the role of personalities and political tribalism in the electoral process as they focused on the issues and the party platforms rather than just the individual candidates.



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Carter Center observer Nicolas Fernandez Bravo speaks to a police officer on special election day.

SPECIAL ELECTION DAY

Parliament, on July 13, 2002, approved new legislation that expanded the class of persons eligible to vote on the special election day. In past elections, special election day was reserved for the security forces. However, for the 2002 elections, EOJ staff and election day workers were added to the list of persons voting early. Early voting for election day workers provided the EOJ more flexibility to assign them to polling stations outside of their constituency. The commissioner of police had requested that the one-day constables also be added to the persons eligible to vote during the special election, but this proposal was not approved. Thus, they were

required to vote on Oct. 16 with the rest of the general electorate.

In preparation for the special election day, a list of eligible voters was necessary. To create this list, the EOJ extracted all electoral workers and security force personnel and generated a separate list. Importantly, the election administrators did not copy the names from the regular polling books, to be used during the general election on Oct. 16, but rather removed them from this list and placed them on the abridged list, thus reducing the potential for multiple voting. The final voting list was prepared on Oct. 8, three days before the special election.

On Oct. 11, 2002, approximately 12,000 election day workers, 6,000 permanent members of the JCF, and 1,000 members of the JDF were eligible to cast their votes. Polling locations included police stations, schools, churches, and the JDF headquarters. The electoral workers voted separately from the security forces, with the police assigned to one of 26 locations and the JDF voting at five locations across the island. Although the special election day was largely peaceful, we observed a number of administrative glitches. The most common problems that we noted were persons missing from the polling list, confusion as to polling location and eligibility to vote in the special election, and inconsistencies in voting procedures.

The EOJ explained that the most common reason that some security force personnel and election day workers were not included in the special election day voters list was because they were not registered as such when the list was extracted. According to the election authorities, in theory, these persons would still be listed in the poll books for the Oct. 16 general election, thus retaining their opportunity to vote.

More disturbing were the inconsistencies that we observed at the various polling stations. The procedures for voting in the special election were somewhat different from those employed during the general election. For example, the counterfoil created much confusion for election day workers. Attached to each ballot was a counterfoil with a number. During the general election, the counterfoil remains on the ballot until after the voter has marked the ballot. The



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opposite was true for the special election. This small change in procedure caused consternation not only on the special election day but also during the general election.

Moreover, the votes cast on Oct. 11 were not counted until after the close of the general election polls. Each vote cast during the special election was transported to the constituency in which the voter was registered and added to the ballot box at the end of voting on Oct. 16. To meet the dual goals of

then receives a payment for the assured vote. The golden ballot has become a mythical tool of fraud. Nevertheless, allowing the voter to place the ballot in the envelope out of sight of the election day workers provided an enhanced opportunity to remove an unused ballot from the polling station by simply pocketing the ballot.

Special election voting ended at 4:00 p.m. without serious incident. The envelopes were collected and stored until election day, when EOJ officials added them to one specified ballot box in each constituency for counting. However, special election day did not run as smoothly as the EOJ hoped. According to the EOJ, there were a number of persons improperly excluded from the special election day poll book, who would now have to vote on Oct. 16, and others who were listed in the wrong polling location. How many were affected by this was uncertain but was potentially 100 or more. The EOJ explained that they received the names from the police and army, and if they were not informed that an individual was with the security



COURTESY OF THE JAMAICA CLEAVER

ensuring the secrecy of the vote and knowing to which constituency the EAC needed to deliver the ballot, they used specially marked envelopes. The voter placed his or her completed ballot in the envelope and then put the envelope in the ballot box. Placing the ballot in the envelope occurred behind the secrecy screen, out of view of the presiding officer and poll clerk.

The opposition spoke of the “golden ballot,” a means of committing a fraud whereby the bad actor needs only one clean (unused) ballot to begin a chain of electoral deception. The interested party completes the ballot for the voter prior to the elector entering the polling station. The voter places the already completed ballot in the box and emerges with the new unused ballot. More often than not, the elector

forces, they could not place him or her on the special election polling book. This did not, however, fully explain why some election workers were likewise missing from the books.

Further to this problem, in many of the polling places that we observed, the proper electoral procedures were not always followed, including a failure to dip the voter’s finger in the indelible ink, ballot boxes that were not locked, failure to use the secrecy booths, and general confusion over the administration of the ballots and envelopes. The failings were not fatal but were disconcerting, as these were the very people who were tasked with administering the much larger election process five days later. Nevertheless, the day’s peace was hopefully a positive portent for the general election. ■



THE CARTER CENTER DELEGATION ARRIVES

The Carter Center short-term election observers arrived in Jamaica on Oct. 12, 2002. Former President of the United States Jimmy Carter and former President of Costa Rica Miguel Angel Rodriguez led the delegation of 60 international election observers from 16 countries, including the MTOs and expert consultants. At the time of their arrival, the campaigns were coming to a close, but the violence, mainly gang-related, continued unabated.

Before deploying throughout the country, the delegates received briefings in Kingston from the director of elections, the chair of the Electoral Advisory Committee, political party representatives, senior members of the JCF, the ombudsman's office, CAFFE, and Carter Center staff. Each of the presenters provided delegates with information relevant to observing election day, as well as background information and a list of their individual concerns. The delegation learned the election day procedures and

what to expect when entering a polling station, including the correct process for opening and closing the polls. They also were informed about security and conflict prevention measures that were in place to promote a peaceful election day.

The delegates were divided into teams of two and assigned their constituency of focus. Each delegate was tasked with observing at least one primary constituency, while some were asked to observe in two areas.

On Oct. 14, Carter Center delegates were deployed to 24 constituencies and special assignments, such as Elections Centre, JCF command post, JDF command post, and the main electoral office of Jamaica. The delegates spent the days before the election meeting with the candidates in their focus constituency, the RO and other local electoral officials, the security forces, and the regional domestic observers. Our delegates tried, wherever possible, to coordinate their activities and observation plans with the local CAFFE monitors.



REBEKAH RALEIGH

Presidents Carter and Rodriguez provide comments at an opening press conference.



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Presidents Carter and Rodriguez, in their arrival statement on Oct. 14, 2002, recognized many of the electoral authorities' accomplishments in preparing for the 2002 election. However, they also spoke of the violence that marred the election campaign, stating, "such politically motivated violence and intimidation have no place in a modern democracy" and called on political party leaders to condemn such occurrences.

The leadership team, comprised of the former presidents; John Hardman, executive director of The Carter Center; Jennifer McCoy; and Laura Neuman, spent the days preceding the election meeting with the political leaders, including Prime Minister Patterson, leader of the opposition Edward Seaga, and representatives from the NJA. We had the opportunity to tour Elections Centre and to speak with CAFFE volunteers. In addition, we spoke with those responsible for ensuring the preparations and success of election day, such as the Electoral Advisory Committee, the director of elections, the police commissioner, and the political ombudsman.

The director of elections expressed that his greatest technical concern for election day was ensuring that the "specialist workers," special EOJ-trained employees assigned to manage certain polling locations, would not withdraw and that they would arrive at the more difficult areas on time and without incident. In our meeting with Prime Minister Patterson, he indicated that there was more conflict than hoped for but that he was pleased with the preparations for the elections and confident in the electoral authorities and security forces. Mr. Seaga echoed the prime minister's confidence in the electoral authorities. However, he remained concerned of the possibility and effects of voter intimidation and targeted violence. Our delegation had heard many rumors of the potential for violence immediately after the announcement of election results. The party leaders assured us that there were no organized activities planned but that a close election could exacerbate tensions. Police Commissioner Forbes received similar intelligence about election night; although historically the day of the election was not violent, the force was prepared. ■



ELECTION DAY OBSERVATION: OCT. 16, 2002

Election day began with the news of a triple homicide at a polling location in West Rural St. Andrew and four more dead nearby. The murders, which apparently were not politically motivated, forced the polling location to remain closed until after noon. Rumors spread that one of the victims was an active JLP member, present at the location to assist with the elections. Subsequently, we learned from our observer team that only one person was killed at the polling location and the other six were murdered one-half mile away and that the motive was believed to be a past grudge.

The continued rainfall was a second issue confronting Jamaicans at the start of the day. In the urban areas, the rain was merely a nuisance, while in some of the rural constituencies it appeared to affect the opening of the polls and the early voter turnout. Nevertheless, in the polling stations that we visited, approximately 95 percent opened within an hour of the designated time. Some reasons for late opening, in addition to the rain, included the security forces not on the premises at the start, some electoral materials missing, and some electoral workers failing to arrive on time.

The Carter Center teams arrived at the polls between 6:00 a.m. and 6:30 a.m. to observe the opening of the polls, scheduled for 7:00 a.m. Each polling station was to have at least two election day workers, the presiding officer and the poll clerk, as well as members of the security forces bearing their identification and special election day vest. Additional persons in the polling station could include political party indoor agents and EOJ supervisors.

Following the opening, Carter Center delegates traveled throughout their focus constituency, visiting a total of 29 constituencies and 864 polling places. (See Appendix D.) In the vast majority of these sites, we were impressed to see the voters waiting patiently to cast their ballots in a well-organized electoral process. Designated polling officials were present inside 95 percent of the polling stations we visited. The other sites were either missing one of the polling officials or were using untrained electoral workers. The Rock Hall polling location, where the murder occurred, was forced to recruit new workers on the spot, as the trained electoral officials had fled the scene upon finding the dead man.

The EOJ instituted a number of safeguards to minimize the fraudulent voting practices and

intimidation of voters seen in past elections. For example, throughout the electoral preparations and campaign period, the EOJ promised to keep a polling station closed rather than substitute trained electoral workers

with potential party zealots. Moreover, the electoral authorities assigned specially trained election workers to run specific marginal constituencies. The EOJ assigned these workers to manage the entire electoral process in St. Andrew West Central and parts of 10 other constituencies, ranging from 20 polling stations to as many as 16 of 19 polling locations in others. To ensure that these election workers did not back out, the EOJ housed them in Kingston hotels the night before the election and bused them to their assigned stations. They also paid double wages to workers in more difficult polling stations. Although the EOJ did not ignore the garrison communities and their history of fraudulent voting, they did not place an inordinate

Following the opening, Carter Center delegates traveled throughout their focus constituency, visiting a total of 29 constituencies and 864 polling places.



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amount of emphasis on these areas where the victor was considered a foregone conclusion.

This positive policy of using only specially trained workers in certain areas became an obstacle for the opening of some voting locations. Because of the rain-flooded streets and extra security, some of the buses of workers coming from the Kingston hotels did not reach their polling sites on time. This caused a slight delay in opening of these polls, as well as some unwanted logistical nightmares for the EOJ.

Eighty-five percent of the polling stations that we

visited had indoor agents from at least two political parties, most often the PNP and JLP, and in most of the sites the party agents were able to observe freely. The majority of locations where we did not see indoor agents from two different parties were in the garrison communities. The presence of indoor agents from different political parties serves as another defense against fraudulent electoral practices and a check of the system.

An additional safeguard for the integrity of the process was the presence of domestic observers. In

many of the polling locations that we visited, we saw CAFFE observers playing a significant role in promoting the free and fair conduct of the electoral process. CAFFE mounted a volunteer corps of more than 700, and most of these persons remained in one designated polling location the entire day. Their visible presence in the polling stations served as an impediment to potential skulduggery and generated further confidence in the results.

Aspects of the polling place operation went very well. In more than 99 percent of the polling stations that we observed, voters properly appeared in the polling book and were able to cast a ballot. There was some confusion over the official voters list, as in some cases the party agents apparently had a different list, perhaps older, than the poll clerk. In fact, the inconsistent polling lists led to a few publicized confrontations. One member of the security force who was not on the special election day list Oct. 11, nor the general election day list, lay prostrate in front of the EOJ office on election day in protest.

In most of the locations we visited, the electoral workers appeared trained and impartial. Unfortunately, this was



REBEKAH RALEIGH

Miriam Kornblith, a Carter Center delegate, observes the polling on election day.



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REBEKAH RALEIGH

President Carter watches as an electoral worker places a voter's ballot in the box.

not a uniform observation. Many of our observers witnessed the application of improper electoral procedures by undertrained electoral workers. Examples of polling place administration that was inconsistent with the electoral regulations included failure to ensure use of indelible ink, check for the indelible ink mark to prevent multiple voting, and remove the counterfoil from the ballot before placing it in box. In only 45 percent of the locations did we observe the electoral worker check the voter's hand for ink.

Additionally, some workers allowed the voter, rather than the electoral official, to place the ballot in the box, and they did not always protect the secrecy of the vote. There were particular problems associated with voting of the blind and disabled, including asking their candidate preference in front of large groups of waiting voters. Finally, the law requires that the worker mark the ballot number in the polling book upon distribution as well as before placing the completed ballot in the box. This serves as an additional safeguard against the "golden ballot" fraud. In many cases, this practice was not followed.

Moreover, in one polling location, our team of observers witnessed a strange practice of circle voting

that led to speculation of double voting. In this small room was a cluster of about six voting stations. Initially there was a group of persons voting at the first polling table and almost no one at the second or third table. A short while later, there was no one left at the first polling station, but a similar circle of voters surrounding the second table. Upon closer observation, it was clear that the voters' fingers were not being checked for indelible ink, nor were the identification cards examined or the alternate

method of affidavit and oath administered.

The inadequacy of voting locations was one of the most striking problems on election day. Some of the polling stations were located in tents, which either flooded or became mud pools as the rain continued. Other polling stations were clustered in small rooms, leading to disorganization and chaos. This overcrowding was exacerbated by two related problems. Electoral law dictates that a voter must present a voter identification card. However, if the elector does not bring his or her card, the worker may ask a series of questions to confirm the voter's identity, complete an affidavit, administer an oath, fingerprint the voter, and then let the person cast a ballot. Asking the questions and administering the oath is a relatively long and tiresome process. Additionally, many voters did not know the proper procedure for casting a ballot, requiring assistance and additional time. Thus, the lack of emphasis on bringing voter identification and the inadequacy of voter education led to even longer lines and more chaos in the crowded and cramped voting locations.

Each political party is allowed one outdoor agent per polling station who serves to monitor the extent



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of voter turnout and provide information to the candidate. The outdoor agent must be within 20 yards of the polling stations. In our observation, we did not see a clear purpose for the outdoor agents, but rather witnessed them creating more turmoil as they purportedly tried to organize the voters and instruct them where to vote.

Moreover, as there are many polling locations with clusters of stations, in some areas there were up to 20 outdoor agents congregating en masse in front of the voting area, which could be intimidating.

The other most frequently noted issue was the difficult closing procedures. At the end of the day, the workers were exhausted. Nevertheless, they were tasked with counting the votes and properly placing them in no less than 11 envelopes, with additional envelopes if more than two candidates competed. The ballot boxes were then locked and sealed, although the seal could easily have been removed and the lock opened. Following the completion of what can only be described as a tedious procedure of counting

and recounting, completing multiple forms, and appropriately placing the forms in all of the various envelopes, the ballot box and materials were transported to the counting centers. Each constituency has one counting center. In counting the ballots,

the electoral workers are mandated to include only a ballot that has an “x” over the name of the candidate. Any other mark in any other place is not considered a valid vote. (See Appendix E.)

The 2002 procedure for collecting the ballot boxes was distinct from the one used in previous elections. Prior to the election,

many Jamaicans suspected the ballot box transport as the most vulnerable in the election day process. In response, the EOJ planned a new method of collecting and transporting the ballots. An electoral supervisor was responsible for collecting five ballot boxes. Accompanying the supervisor in the transport of the ballot boxes was at least one indoor agent from each political party. Lastly, the police provided escort to each of the voting stations to collect the ballot boxes as well as to the counting centers. In a number of constituencies, Carter Center teams followed the caravan to observe the collection and transport of the ballot boxes.

Finally, the EOJ requested heavier security force presence in hundreds of polling locations for reasons ranging from past experience of violence and voter intimidation to known crowd control issues and past electoral malfeasance. Interestingly, the list of security concerns was a compilation of suggestions from the electoral authority and security forces, as well as from the actual candidates and political parties. The Carter Center observers found that the security forces were present at all but four of the

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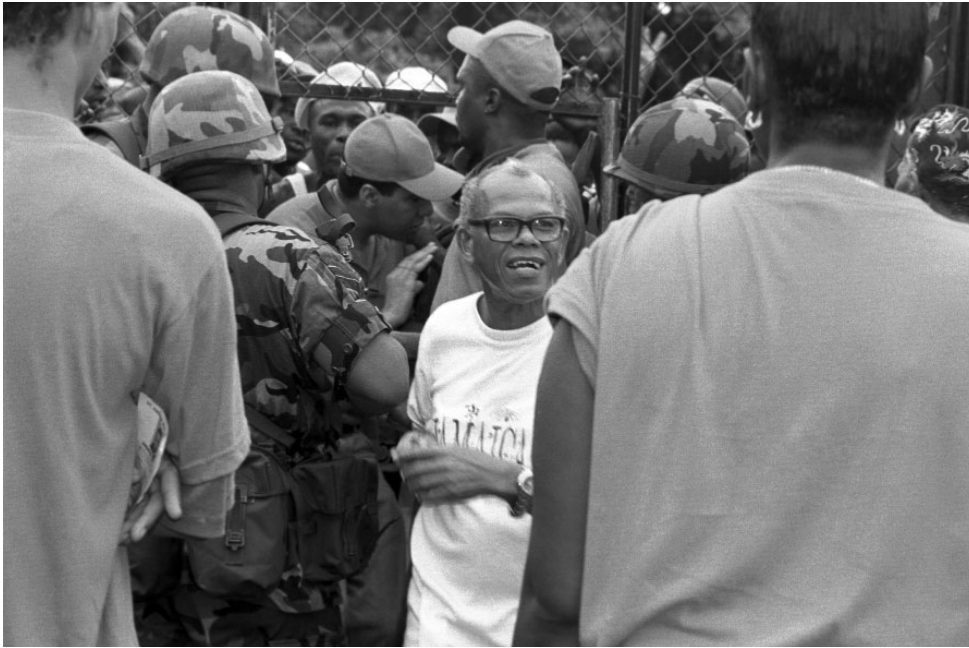


REBEKAH RALEIGH

Inadequate voting locations caused this crowd of voters to wait to cast their ballot.



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REBEKAH RALEIGH

One elector is allowed into the voting area while the security forces and outdoor agents keep the rest behind gates.

stations that we visited and that there was an increased presence in targeted locations. Moreover, the security forces appeared well-prepared and behaved professionally in all interaction that we witnessed. However, in many of the polling stations, we observed the police without the appropriate vests and identification and with armbands that did not appear official. As there were a great number of “one-day specials,” the identification was important to ensure that there were no imposters. The one-day specials were present in almost all locations that we visited, and at times they were alone rather than partnered with regular police or army personnel. Although these one-day constables had little authority, some voters indicated that their mere presence helped maintain peace.

CONFLICT ON ELECTION DAY

The EAC issued some critical election day reforms designed to reduce the risk of intimidation. For example, under the new policy, candidates were allowed to travel with a maximum of five persons

including their security, but they were not allowed to leave their constituency during election day nor could they enter polling stations with a group. Further restrictions were placed on the number of times a candidate could enter a single polling location, for how long the candidate could remain within the location, and the number of vehicles that could be used to transport party members and potential voters.

Nevertheless, there were a number of incidents of violence and reports of intimidation on election

day. In Central Kingston, one of the Carter Center observer teams was caught in the midst of a shoot-out, while another was uncomfortably caught in a mass of shouting party supporters. Candidate Abe Dabdoub, JLP, got in a fight with a PNP supporter while Dabdoub’s son was attacked by a group of persons, at least one with a gun. Although the police stated that there were only four politically motivated murders during the campaign period, the statistics for the year, January 2002 through November 2002, indicate 12 confirmed political murders and many more homicides with “unknown motives.”

Our observers witnessed polling locations with large groups of party supporters standing around the opening or courtyard. The electoral law states that when polls are open “no person shall upon any public road or in any public place within 100 meters of any premises in which a polling situation is situated seek to influence any elector to vote for any candidate...”²³ Yet, we observed a sea of green or a wall of orange

²³ Representation of the People’s Act, Section 78(1).



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within the mandated 100 meters in many of the most volatile locations. Prior to the election, the EAC discussed the possibility of banning party colors on election day. After much debate, they determined that it was not a breach of electoral law, and thus they could not enforce a ban. Although there is a ban on advertising on election day, the EAC found that colors alone were not advertising. Nevertheless, these groups of supporters wearing party colors easily created a tense and intimidating climate that could affect potential voters.

More reports of violence were streaming in during the late morning and early afternoon. Gunshots and confrontations were the most often heard complaint. However, as the rain began to fall more heavily, these reports subsided. Some Jamaicans equally credit the administration, security forces, and rain for the minimal violence on election day.

Initially, Elections Centre was scheduled to meet every two hours on election day. The first meeting convened as planned, albeit an hour and 20 minutes late, at 9:20 a.m. Elections Centre met next at 12:30 p.m. and, for the last time, at 4:00 p.m. Members of Elections Centre discussed the day's occurrences, based primarily on reports from the political party representatives. In general, the Elections Centre did not play a visible role in conflict resolution on elections day. One notable exception may be the noon meeting, when a call came in claiming that at one polling location in St. Andrew South West, the JLP indoor agents had been forced out of the area at gunpoint, allowing for "open voting." Shortly after receiving this report, the PNP representative contacted party members in the area to confirm the veracity and resolve the issue.

Following the 4:00 p.m. meeting where all appeared calm, representatives to Elections Centre decided not to meet again on election day.

ELECTION RESULTS

Polling officially closed at 5:00 p.m. The preliminary election results began streaming in a few hours later. Originally, Elections Centre was to post these results on the Internet and for the media using a new computer system. This, however, did not function properly on election day. Nevertheless, by 7:30 p.m. the general public began receiving word of an unprecedented fourth PNP victory. The official results would not be known for a few days, as each box is recounted at the counting centers the following day.

In all, there were close to 175 candidates seeking parliamentary seats, and in many of the constituencies, the election was as close as predicted. There were 16 constituencies in which the victor won with less than a 1,000 vote difference and of these, six had a margin of difference less than 500 votes. (See Appendix B.) There were, in addition, a number of surprises. The most shocking of the evening was the defeat of Minister of Information Colin Campbell in St. Andrew Eastern. At the end of the evening, the final tally was 35 seats for the PNP and 25 seats for the JLP, though this figure was

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Table 5

Results by Party

Party	Total Votes	Seats
PNP	391,973	34
JLP	356,325	26
NDM/NJA	2,619	0
UPP	438	0
IND	426	0
IEWFIPP	148	0
REP	79	0



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to change to 34 and 26, respectively, following the final counts.²⁴ For the JLP, this was a gain of 14 seats from their previous 12 members in Parliament, 10 won in the general election of 1997 and two more were picked up through an electoral appeal and bi-election. (See Appendix F.)

The popular vote belied this difference in seats, as it showed a much closer race. The PNP received a total of 391,973 to the JLP 356,325, a difference of 35,648 votes or less than 5 percent. The smaller parties did not win any seats in Parliament. The NDM/NJA coalition garnered 2,619, and the UPP was only able to convince 438 voters. The total number of votes for all third parties was 3,881, signifying 0.5 percent of the total votes.

Voter turnout was relatively low, with approximately 56 percent of registered voters casting ballots,

or a total of 734,628. This is in comparison to over 65 percent turnout in the 1997 election. The steady rainfall may be one explanation for the lower turnout.

The garrison impact was once again felt in the 2002 election, with four different constituencies polling more than 80 percent for one candidate. In St. Andrew South Eastern, the incumbent PNP candidate received 9,688 votes (94.13 percent)

to the JLP's 608 votes. The PNP incumbent in St. Andrew Southern had a similarly large margin of victory, receiving just over 95 percent of the votes. In Kingston Western, Edward Seaga received 85 percent of the votes. However, unlike past elections, only a handful of polling stations in these "garrison constituencies" reported overvoting, more people voting than are registered.

Following the results, both Mr. Seaga and Prime Minister Patterson held press conferences. Just after 10:00 p.m., surrounded by JLP faithful, Mr. Seaga did not concede the election but did admit that the PNP had the majority of seats thus far. In a mostly gracious speech, he congratulated the electoral authorities for their professionalism and well-organized election. Shortly after 11:00 p.m., Prime Minister Patterson spoke to the people of Jamaica. His words were conciliatory, urging all Jamaicans to

Our general conclusion was that the election provided an adequate opportunity for the will of the Jamaican citizens to be heard and counted.



REBEKAH RALEIGH

President Carter congratulates Prime Minister Patterson, October 2002.

²⁴ When the official count was completed for St. Ann North West, the victor was JLP candidate Verna Parchment. The preliminary results, announced election night, claimed PNP candidate Arnold Bertram as the winner with a margin of victory of 26 votes. Following the official count, which had to be moved from the constituency to Kingston because of violence, Mrs. Parchment won with a victory margin of 169.



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work toward peace. “I cannot concede the fact that I would have preferred a larger margin but God works in a mysterious way. And I believe the message that we must derive is that all of us—government side and opposition side—must work together in unity in order to build a better Jamaica.” In addition, he called on his party supporters to avoid confrontation with the JLP and imposed a ban on celebratory motorcades.

Most importantly, and contrary to many predictions, there was no violence following the election results. Both the PNP and JLP supporters accepted the results calmly and with grace and must be congratulated.

THE CARTER CENTER STATEMENT

The Carter Center delegates returned from their constituencies on Oct. 17. After gathering in Kingston, we reviewed our observations and discussed our preliminary findings. Some of the events that our observers witnessed, such as inconsistent application of the electoral procedures, were universal, while others were unique to certain parts of the country.

The accounts we heard from our medium- and short-term observers and our expert consultants fed into the preliminary statement issued that afternoon. At a press conference, held at the Courtleigh Hotel, President Carter congratulated the leadership of the EOJ and EAC, as well as the ombudsman and political parties, in ensuring a successful election day. He commended the Jamaican people for demanding a peaceful election day and, for the most part, making it a reality.

Our general conclusion was that the election provided an adequate opportunity for the will of the Jamaican citizens to be heard and counted. The election was well-organized and the preparations a significant improvement over the 1997 general elections. Specifically, we believed that the consultative process used to verify the voters list, determine the location of the polling stations, and vet the names of new poll workers and security force personnel contributed greatly to the confidence held in this electoral process. We were pleased that the violence was not more severe, although we continued to have grave concerns over the gunfights and intimidation that rocked a number of communities during the campaign period and on election day.

In addition to discussing the electoral process, President Carter echoed his opening comments regarding the garrison communities and their deleterious impact on the quality of the Jamaican democracy. In the Oct. 17 press conference, he expressed his concern that Jamaican citizens living in certain areas are constrained in their exercise of fundamental human rights, such as freedom of speech, freedom of movement, and freedom of association. (See Appendix G.) ■



POSTELECTORAL PROCESS

Guiding much of the postelectoral process is the Election Petitions Act. This, in addition to the Representation of the People's Act, forms the legal framework for recounting the vote, appeals, and duties of the Constituted Authority and Election Court, and prosecution of electoral offenses.

Although PNP leader PJ Patterson was sworn in as prime minister for his third term on Oct. 23, 2002, appeals and accusations arising from the October election continue.

Magisterial Recounts

Following the announcement of the official results, candidates have four days to request a magisterial recount. Magisterial recounts are granted when a "credible witness" files an affidavit claiming that "a returning officer in counting the votes has improperly counted or improperly rejected any ballot papers or has made an incorrect addition on the number of ballots cast for any candidate."²⁵ The JLP filed five magisterial recounts and the PNP filed two; however, the JLP recount for Northwest St. Elizabeth was withdrawn and filed directly to the Electoral Court instead. The candidate for this constituency claimed electoral malpractice that would not have been detected through a recount.

In one of the more striking magisterial recounts, St. Elizabeth South East, the initial results indicated that the PNP candidate won with a margin of 82 votes. However, there were 312 rejected ballots, ballots that were not counted. The JLP claimed that at least 200 of the 312 were votes for their candidate. The magistrate counted as valid votes 265 of these supposedly spoiled ballots. (There was no explanation why these votes were originally deemed spoiled.) The JLP candidate received 135 of these and the PNP candidate 130, reducing the margin of victory to 77.

Thus, the PNP candidate retained the seat. One lingering issue was the inclusion of votes from the special election of electoral workers and security forces. The JLP candidate argued that as there was no poll book and no unused ballots to count, there was no way in which to verify the veracity of these votes. The number of votes in question was 190, enough to sway the election.

Another interesting magisterial recount was the St. Elizabeth South West where the PNP candidate defeated the JLP with fewer than 100 votes. Although there were 42 rejected ballots, the magistrate judge only allowed five to be counted. All these went to the opposition JLP candidate, but it was not enough to change the decision awarding the seat to the PNP. Not surprisingly, the PNP requested a magisterial recount of the St. Ann North West constituency where their candidate was initially declared the winner, but the preliminary finding reversed during the official final count. The magisterial recount confirmed the official result.

Following a magisterial recount, if the candidate remains unsatisfied, he or she has a right to request a Constituted Authority investigation or to appeal to the Election Court.

Constituted Authority and Election Court

The Constituted Authority, comprised of the three independent EAC members, a retired judge, and a privy council member, sits for six months following the election. In this time, they are authorized to investigate complaints of electoral malpractice. If they find a complaint, either filed by a candidate or brought on their own motion, to have merit, they can request the Election Court to void the election result. The Constituted Authority cannot void election

²⁵ Representation of the People's Act, Section 47(1).



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results; they can only make recommendations to the court.

There are limited grounds on which the Constituted Authority may request that the Election Court void the results. The basis for a petition may include: number of votes in a constituency or electoral division exceeds the number of registered voters; the ballot boxes are stolen, destroyed, or tampered with, and the numbers of votes at question could change the ultimate result; presiding officer signed ballots “under duress” in a quantity that could change the results; persons voted illegally; or violence and intimidation which would significantly adversely affect the freeness or fairness of the election.²⁶

Following the magisterial recount, the Constituted Authority received 10 petitions for investigation. On Nov. 14, approximately one month after the election, the Constituted Authority rejected all 10 petitions. Although their investigation indicated that there were valid complaints of intimidation and malfeasance, none of these incidents rose to the level necessary to request the voiding of an election result. The Constituted Authority also stated that the basis for some of the complaints they received was not within their authority or purview.

Election Court

The Election Court is made up of three designated Supreme Court justices. The chief justice of the Supreme Court designates the three judges that will comprise the Election Court. The court sits either individually or as a panel and is mandated to make all decisions within six months of the election.²⁷

A candidate may take his or her complaint to the Constituted Authority or directly to the Election Court. Generally, candidates will go to the Constituted Authority first because it is cheaper. If

the Constituted Authority finds merit, they will recommend voiding to the Election Court. The Election Court will likely look favorably upon such a request from the Constituted Authority, and then the candidate does not have to pay for a lawyer.

In the aftermath of the 2002 elections, two cases were filed with the Election Court. The JLP filed a case seeking reversal of the decision in St. Elizabeth South Eastern, while the PNP filed a petition for St. Elizabeth North Western. In both cases, the candidates claimed that the returning officer did not act in good faith and that the procedures of the Representation of the People’s Act were not followed,

causing a significant distortion in the election results. In the case of St. Elizabeth North West, the candidate initially requested a magisterial recount but then withdrew after concluding that a magisterial recount would not address these issues. Instead he filed his case directly with the Election Court claiming

voter intimidation, impersonation of voters, and other electoral malpractice. At the time of writing this report, neither of these cases was resolved.

Political Ombudsman

In total, Political Ombudsman Blair received 58 formal complaints. As of Oct. 31, 56 cases had been opened, with more received after that date. This number includes the cases brought to Bishop Blair, but not necessarily the actions that he took *sua sponte* to prevent conflicts or to respond to inquiries. Incorporated in these cases were seven allegations

Although the investigation indicated that there were valid complaints of intimidation and malfeasance, none of these incidents rose to the level necessary to request the voiding of an election result.

²⁶ See, The Election Petitions Act, Section 37.

²⁷ Final decisions are not always issued within the six-month time period. For example, it took three and one-half years for the reversal of the final vote count in NE St. Catherine and JLP candidate Abe Dabdoub to ultimately be named the victor from the 1997 election.



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of politically related intimidation or violence, 18 specific allegations of political violence or damage to property, and 10 complaints relating to political advertisements or other political expressions. The complaints relating to advertising charged that the other political party used inappropriate or inflammatory language, personal attacks, or implications that the opposing candidate has a history of criminal activity.

Bishop Blair stated that it could take up to six months to complete investigation of all the election-related complaints and that 12 of these could take even longer. According to a report in *The Jamaica Gleaner* on Jan. 2, 2003, these 12 more difficult cases include complaints relating to guns and fighting.

There has not been much public disclosure as to the number and types of cases that the political ombudsman has investigated or the final resolution. For example, the ombudsman did notify the public that there was a settlement in one of the highly visible advertising cases. In this instance, in early September 2002, the PNP ran an advertisement which showed a baby coffin and the words “Seaga, pampers, baby dead.” Mr. Seaga and his wife were expecting a child later that month. The advertisement was subsequently removed from the papers following a complaint, and the PNP apologized. Although in early 2003 Bishop Blair announced that a settlement finally was reached, he did not publicly provide any details.

Continuing Accusations

In November 2002, the PNP charged the JLP with voter registration fraud. The PNP argued that the JLP temporarily moved party activists into certain marginal constituencies to register to vote and for the verification period, but that these persons were not

in fact residents of the constituency. The PNP leadership used the constituency of St. Ann North East as an example of this vote padding. They claimed that the increase in the overall voters list since 1997 was 10 percent, but that in this constituency there was an increase of 20 percent, thus providing the JLP candidates with the extra votes needed to win in these close races. The JLP denied the accusations, and the EOJ promised to

investigate. In February 2003, the EOJ said that they found “no empirical evidence” to support the allegations and that in the year before the election, there was only a 4.5 percent increase in enumerated voters.

The JLP, on the other hand, accused the PNP of misusing state funds during the campaign period. Civil society

groups joined the JLP in this claim, after Minister of Finance and Planning Omar Davies publicly stated that certain spending decisions were made in light of the elections, even though “financially unsound.” Jamaicans for Justice, a human rights organization, claimed that Minister Davies put the economy in danger in promotion of the PNP’s self-interest. The JLP finance spokesperson went further, stating that Minister Davies misled Jamaicans with false economic statistics. Dr. Davies has denied these allegations.

Reforms

Reforms to the electoral system have already begun. For example, the Representation of the People’s Act was amended to prescribe at least five days between the calling of elections and nomination day, rather than leaving the minimum number of days ambiguous. Other reforms include legislatively mandating that no election may be held using a voter registry older than six months, amending the law to require that persons voting in the special election place their ballots in the envelope in the presence of

*As of March 31, 2003, only
75 candidates had filed their
expenditure accounts, constituting
less than one-half of those
running in the election.*



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the electoral worker, and starting a fingerprint pilot program that will check voters' fingerprints at the polling stations. A committee has also been named to review the number of constituencies and present boundaries.

Finally, Jamaica continues to discuss the possibility for campaign finance reform. In early 2002, independent Senator Trevor Munroe proposed the designation of a commission to examine the intersection of corruption and campaign financing. The proposed resolution mandated the establishment of a national commission, comprised of representatives from political parties, civil society, and the private sector, to hold public hearings and make recommendations for campaign and political party finance reform. Although Parliament approved this resolution on May 3, 2002, the commission was never formed.

In October 2002, following the election, Senator Munroe asked the government their plans relating to this issue. Government spokesperson, Minister of Information Burchell Whiteman, promised the formation of this commission early in the new parliamentary year, which begins April 1, 2003. The commission will be tasked with reviewing the disclosure laws that presently exist and recommending amendments or new laws, including the possibility of public funding. The Representation of the People's Act, as currently written, has a maximum ceiling on campaign expenditures of Jamaican \$3 million (approximately U.S. \$65,000) and requires disclosure of all expenditures within six weeks after the election. As of March 31, 2003, only 75 candidates had filed their expenditure accounts, constituting less than one-half of those running in the election. Thus far, the EOJ has taken no steps to enforce the law, which carries a Jamaican fine of not less than \$20,000 (approximately U.S. \$450). ■



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RECOMMENDATIONS

The electoral authorities, political parties, and security forces made great advances in the organization and administration of the election. The 2002 election clearly demonstrated the progress and exposed some additional areas for reform.

The Carter Center, in the spirit of international cooperation and assistance, offers our own suggestions for further improving the procedures and reducing the incidents of conflict, thus raising the likelihood of an even higher degree of public participation and confidence in the electoral process. Following the 1997 election observation, The Carter Center provided a number of recommendations to advance the Jamaican electoral system. We found that though many of these recommendations have been implemented, there are still a number of elements that can be strengthened or reformed. Therefore, we recommend:

1. RE-ENGINEERING THE VOTING STATIONS

Congestion in the polling locations and unsuitable sites were problems observed in the 2002 elections. Each polling station has a maximum of 250 voters, which in more populous constituencies compels a great number of polling stations per location. The locations with clustered polling stations were overcrowded, leading to difficulty in implementing the correct voting procedures, such as checking for indelible ink, and adding to the confusion and tension of the day. In addition to attracting larger crowds and impeding the secrecy of the vote, outdoor voting locations are simply not feasible when there is rain, such as occurred on Oct. 16, 2002. There was the added difficulty of voters who were unaware of the correct station, thus creating bottlenecks at the doors.

Although we recognize the difficulty in identifying sufficient numbers of voting locations, particularly sites

that are agreeable to all political parties, we urge the EOJ to re-examine this problem. A change in polling site design to increase the amount of space will reduce congestion and help ensure the secrecy of the vote.

- We recommend that the EOJ explore the feasibility of increasing the numbers of voters assigned to each polling station, thus necessitating fewer tables per location.
- We further suggest that the EOJ work with the security forces on election day to ensure that persons who have completed voting are not congregating around the polling location.
- Finally, we would urge the EOJ to post the voter registry, divided by polling station, on the wall of each location, with the supervisor possessing a master list in order to facilitate the voter in finding his or her correct station.

2. INCREASED EMPHASIS ON VOTER EDUCATION AND IDENTIFICATION CARDS

During the 2002 election, we observed many voters without their identification card, and many did not know the proper voting procedure. The need to assist voters and administer the lengthy questioning, fingerprinting, affidavit, and oath procedure when the voter failed to bring their voter identification card led to further delays and congestion in the polling locations. In the October 2002 general election, even the prime minister failed to arrive with his voter identification card.

- We recommend that the EOJ place increased emphasis on voter education and the need to bring a voter identification card. This will reduce the burden on the presiding officer and poll clerk and will facilitate a smoother and faster voting process.



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- For those persons who still do not bring their voter identification card, we suggest creating two lines at each station: one for those with identification and one for those who need the affidavit and fingerprinting. The two lines will only be possible in polling locations with sufficient space, as discussed above.

3. SIMPLIFY AND AMEND VOTING PROCEDURES

In both the special election and the general election, poll workers implemented the voting procedures inconsistently. The onerous procedures for voting, and in particular for closing the polls, led to mistakes, delays, and frustration for both the election day workers and the voters. There were also a number of distinct voter lists, with differing data, that led to confusion and tension at the voting stations. Simplifying and amending some of the procedures will increase the efficiency of polling and reduce the potential for conflict.

We commend the EAC on its amendment to the special election procedures regarding placing the ballot in the envelope in the presence of the electoral worker, thus closing one of the potential loopholes for fraud. However, we suggest clarifying other ballot procedures, particularly related to counterfoils and the entry of ballot numbers in the polling books. These safeguards were often incorrectly administered, thus obviating their protective effects.

- We feel that reducing the various voter lists (presently one for indoor agents and a different list for poll worker) or color-coding the polling lists will ameliorate the disagreements at the stations.
- Currently, the poll worker, rather than the voter, deposits the ballot in the box. This simple act may disassociate the voter from the process. We encourage the electoral authorities to examine the basis for not allowing the voter to place the ballot in the box. A change in this policy may serve to increase voter satisfaction and participation in the democratic process.

- Relating to the closing of the polls, we advise reducing the number of forms and envelopes that the electoral worker must complete or color-coding the forms and envelopes, thus creating a less arduous task.
- Much emphasis was placed on wrapping the ballot box with the “sticky tape” to ensure its security. This, however, does not serve the purpose, as the tape can be removed and reapplied without detection, similar to the locks that are used. A numbered tape or plastic seal would reduce the time spent securing the box and create a more tamper-proof instrument.
- Finally, the restrictive regulations regarding an acceptable vote, i.e. only a cross on the candidate’s name, generates spoiled ballots and curtails the voter’s intent. The modern electoral trend is to determine a ballot’s validity based on the intent of the voter. We suggest that the electoral law be amended to more fully account for the voter’s intention, with the secondary effect of fostering consistency in the vote counting.

4. SELECTION AND TRAINING OF POLL WORKERS

The selection of nonpartisan poll workers, through a consultative process, was an incredible advance in the Jamaican election process. We hope that this will continue in subsequent elections and become the norm. However, the new workers were less familiar with the polling procedures, particularly closing. Although the EOJ emphasized poll worker training, the uncertainty of the date meant that some persons were recruited late and did not receive appropriate training, while others received their instructions too early and apparently forgot some of the details.

In addition to simplifying the election day procedures, we suggest:

- An additional day of training devoted solely to counting and closing procedures.



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- The appointment of special election workers to administer the special election day. These persons should receive additional training on the distinct procedures used for the different elections.
- A refresher course during the campaign period and smaller group sizes targeted to the individual's level of knowledge and experience to facilitate the training and learning process.

5. ROLE OF OUTDOOR AGENTS

As we noted in our 1997 report and recommendations, the use of outdoor agents may increase the possibility of voter intimidation. Providing identification facilitated recognition of the outdoor agents but did not resolve their congregating en masse near polling stations. The necessity for outdoor agents remains in question, particularly one per polling station, and their propensity for negatively impacting the electoral process may outweigh any potential benefit.

- We suggest that the electoral authorities, in consultation with the political parties, assess the need for outdoor agents. If it is determined that the agents remain a critical component of election day, we recommend limiting the number of outdoor agents where there are clustered polling stations.

6. LIMITING CONFLICT DURING THE ELECTION PERIOD

The role of conflict and violence, though reduced, continues to be a serious impediment to the advancement of the Jamaican electoral process. During the campaign period, motorcades led to the greatest number of incidents, including accidents, stone throwing, burning of vehicles and property, gunfights, and murders. As the campaign became progressively more conflictive in certain constituencies, the electoral authorities took the dramatic step of asking the commissioner of police to revoke and deny licenses for marches, motorcades, and public meetings in six constituencies.

- We again urge, as we did in 1997, the key stakeholders to examine the role of motorcades in the election process and consider banning or limiting their occurrence. The prime minister's enjoinder of motorcades following the announcement of the election results contributed to the peaceful acceptance of the results, and we believe that this action should be extended to other critical electoral moments.
- Where a complete campaign ban is necessitated, we urge the police commissioner to enforce the prohibition uniformly.

Community groups, such as the Ministers Fraternal, can play an important function in conflict prevention and resolution during the electoral period, and beyond.

- We support the efforts of the political ombudsman to provide a key role for organized or ad hoc local groups and hope that the support and funding will be made available to formalize their involvement in future elections.

The code of political conduct remains a critical tool in the promotion of a peaceful election. We consider the political party leadership, political ombudsman, and the media's added emphasis on this year's code of political conduct to be an important step in bolstering its impact.

- We recommend that the authorities and political parties consider including candidates' acceptance of a code of conduct as a requirement for participation in the election and incorporate this as part of the nomination process.
- Many, but not all, of the code's provisions are already included in the Representation of the People's Act. We suggest the promulgation of all sections of the code as law.
- Finally, integral to the success of the code is enforcement. Therefore, we urge the appropriate authorities to fully and aggressively enforce the code of political conduct.



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7. ROLE OF POLITICAL OMBUDSMAN

Political Ombudsman Blair was essential in resolving conflict and promoting a peaceful 2002 election. His impact, however, may have been due largely to his personality, stature, and the added flexibility of his position as chair of the Peace Management Initiative, rather than the strength of the ombuds office. Presently the interim Ombudsman Act creates intrinsic obstacles to effectively address conflict, such as requiring written complaints, not allowing anonymous complaints, and requiring the ombudsman to notify all party leaders before investigating a complaint.

- We recommend an examination of the political ombudsman's position, with an emphasis on the expansion and formalization of the office. Consideration should be given to clarifying and easing procedures for complaints and providing enhanced mechanisms for resolution, including enforcement capabilities.
- Review of the role of the ombudsman vis-à-vis the PMI.
- Lastly, the potency of the office is derived largely from public perception. Continuing credibility would be enhanced by more transparency, such as regular, detailed reporting of complaints and resolutions.

8. ROLE OF ELECTIONS CENTRE

Elections Centre was an important innovation to prevent rumors from developing into conflict and to resolve extant disturbances. Elections Centre benefited from the vision of EAC Chairman Errol Miller, the goodwill of the attending representatives, and the strong leadership of Director of Elections Danville Walker. Elections Centre could serve as a model for conflict prevention and resolution in Jamaica and other countries.

However, as with the other Jamaican conflict mechanisms, this body must be institutionalized with a clear mandate and organization.

- We suggest the continuation and formalization of Elections Centre, including monthly or quarterly meetings throughout the year. Procedures should be developed to assist in the maturation of this body.
- We urge the government to fund this initiative and expand the program to establish centres in each constituency.

9. ELECTORAL AUTHORITIES AND LEGAL FRAMEWORK

Many institutions worked together to ensure the success of the Jamaican elections, including the EAC, the EOJ, the political parties, the security forces, the Constituted Authority, the political ombudsman, and the Election Court. In addition, there are a number of laws that woven together provide the legal framework for the conduct of the election, such as the Representation of the People's Act, the Political Ombudsman (interim) Act, the Petitions Act, and the criminal code. In most cases, there is a clear delineation of responsibilities and consistency within the laws. Unfortunately, this is not uniformly true, particularly relating to electoral breaches and enforcement. Moreover, there is some overlap in roles and redundancy.

- We recommend a review of the electoral authorities and governing legislation, with a view to streamlining these bodies and ensuring consistency and harmonization of efforts.
- We suggest the role of the Constituted Authority be reconsidered. Presently, the Constituted Authority is endowed with the power to void elections only in the case of a certain percentage of stations with the requisite number of voters failing to open by noon. The director of elections could certainly perform this function.
- The Constituted Authority, in the main, is comprised of EAC members. This potentially could create a conflict of interest, depending on the nature of the complaint. Although its ability to investigate cases and recommend action to the



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Election Court is helpful in reducing the cost for the petitioner, an appointed individual or group rather than former members of the EAC could undertake this task. The constitution of this authority does not begin until election day, and thus, they are limited in their ability to investigate cases as they are occurring.

- Finally, the threshold for recommending cases to the Election Court may be prohibitively high, which would account for the fact that the authority has never recommended a case.

As the electoral stakeholders review their roles and responsibilities, we suggest consideration of a professional election commission. Additionally, the inclusion of political party representatives as formal members, but without voting privileges, could be discussed.

10. ROLE OF THE SECURITY FORCES

The JCF and the JDF were instrumental in ensuring a relatively peaceful election day. They exhibited a laudatory professionalism throughout the electoral period.

- We believe that expanding their purview would enhance citizen confidence in the election and reduce conflict. The police and army mounted a force of more than 20,000 for the 2002 elections. Many of these were the “one-day constables.” Use of these additional personnel allowed the police to have a presence at all polling locations and throughout the constituencies. We feel that these one-day constables play an important role in the elections but suggest that their role be more specific and that they are clearly marked with special vests, etc.
- Furthermore, the security forces could be more proactive when witnessing electoral violations, such as vandalism or publicly posted campaign signs, and accept more responsibility for investigation of electoral breaches and enforcement of the law. The Jamaican security forces, like many around the world, suffer from too many responsibilities and

too few resources. We recognize that on balance, the police will address a homicide before an electoral violation. For that reason, we encourage the government to provide the security forces with the necessary resources and suggest that the JCF, in turn, assign particular officers to continue investigations and enforcement measures even after the elections are completed.

- Lastly, crowd control was an issue in many of the polling locations that we visited. Assisting in crowd management and dispersion should be one of the security forces’ mandates on election day.

11. LIMITING INTIMIDATION DURING CAMPAIGN AND ON ELECTION DAY

Intimidation was the greatest concern during the 2002 elections. Reducing the potential for intimidation of voters and candidates is necessary for the Jamaican election process to advance. In our observation, large groups in party colors congregated in close proximity to the polling locations and remained there for much of election day. This created tension and has the potential for intimidating persons wishing to vote for the opposing party. Use of gunmen and known criminals to visit other constituencies adds to the electoral intimidation. A general sense of impunity prevails.

- We advocate intense and timely investigations into any suspect behavior and more robust enforcement of the code of political conduct and the Representation of the People’s Act.
- We suggest that the ban on supporters wearing masks be enforced throughout the electoral period, not merely on election day.
- We recommend that the electoral authorities revisit the question of eliminating party colors and symbols, such as a bell, on election day.
- The provision prohibiting congregation near a polling location must be fully enforced with stiff penalties and perhaps extended to 150 or 200 meters from the gates.



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12. NUMBER OF CONSTITUENCIES

Presently there are 60 constituencies in Jamaica. In the case of a tie, it appears that the governor-general, a government appointee, declares the winner. This may be an unacceptable outcome, necessitating another election and causing unnecessary conflict.

- We urge the authorities to immediately change the number of constituencies to an odd number, thus obviating the possibility of a tie.
- Concurrently, we suggest the consideration of redistricting (changing the boundaries of the constituencies) and any beneficial impact this may have in reducing the garrison impact.

13. CAMPAIGN FINANCING

Political party leaders have accused opponents of corrupt practices for filling their campaign coffers and ensuring electoral support. The dangers and potential relationship between corruption and campaign financing are well known. This is a particular problem in a society that is simultaneously fighting the influence of illegal guns and drug money.

Presently, the Jamaica law sets a maximum cap on campaign expenditures and mandates candidate's disclosure of all expenditures. Nevertheless, these laws are not being adhered to nor enforced.

- We urge Jamaicans to strengthen the campaign law that presently exists and consider other measures, such as public financing and disclosure of private contributors, to reduce the corrosive impact of money on politics.

14. CAFFE

As in 1997, the widespread presence of domestic observers was critical to the legitimacy and success of the elections. In a short time, CAFFE has proven itself to be a key component in the advancement and maturation of Jamaica's electoral

process. CAFFE, however, is hindered by the uncertain election date and the need to recruit and train hundreds of volunteers. Their observation strategy is dependent on the desires of these volunteers, limiting the locations where they can be assigned. Thus, many of the more difficult communities did not enjoy the benefits of a CAFFE observer. Although the CAFFE board is permanent, their activities are seasonal, again creating great pressure to mobilize when elections are announced.

- We suggest that CAFFE expand their purview from solely electoral observation to include other areas of democratization with a permanent volunteer corps. In this regard, CAFFE will remain engaged and may be able to recruit more volunteers when the elections are announced.

15. GARRISON PHENOMENON

The garrison phenomenon continues to hinder the election process and the freedoms of persons living in those communities. Election reforms alone will not resolve this entrenched and difficult problem. A wholesale review of the garrisons and the impact of the present political system, whereby one party receives all the spoils, must be undertaken.

Jamaican citizens, in this election, made it clear that they demand an end to violence and intimidation. Although The Carter Center has made some specific recommendations in terms of the electoral process and administration, we further urge that:

- Jamaican leaders heed the people's call and institute a national dialogue to address the larger issues of violence, disarmament, the "garrison" effect, and the ultimate impact of the winner-take-all system. ■



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CONCLUSION

Jamaicans once again elected the People's National Party, and its leader PJ Patterson, to guide the country. This election was unprecedented, as it placed the PNP in power for a fourth consecutive term and Patterson for his third time as prime minister. Yet it was not the total victory that the PNP had hoped. The JLP made impressive gains, winning 14 additional parliamentary seats, thus strengthening its voice as opposition. Even in the months since the election, there has been a marked change in the tenor of debate in Parliament. Though some see the last months as rancorous and uncivilized, others recognize the lively debate as indication of the maturity of Jamaican democracy.

More important than the election results was the strength of purpose of the electoral authorities, security forces, and political party leaders in

promoting a peaceful election. The Jamaican citizens were clear in their demand to reduce the violence and intimidation; to a greater extent than ever before, the key players responded to this call. For the first time, political party leaders were unified and clear that they would not tolerate violence from their supporters in order to win the election.

Jamaica has an opportunity to further advance its freedoms and democracy with a broad national debate about the future role of the garrisons and the spoils system. Dismantling this system and stemming the tide of violence that has rocked the island in recent decades will not be easy. However, with continued commitment from all Jamaicans and support from the international community, it can and will be accomplished. ■



REBEKAH RALEIGH

The Carter Center Jamaica elections 2002 leadership team guided the successful mission.



APPENDICES

- A. The Carter Center Council of Presidents and Prime Ministers of the Americas
- B. Marginal Seats, 1997 and 2002 Elections
- C. Code of Political Conduct, June 2002
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- E. Sample Ballot
- F. Results by Constituency
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APPENDIX A

COUNCIL OF PRESIDENTS AND PRIME MINISTERS OF THE AMERICAS

Established in 1986, the Council of Presidents and Prime Ministers of the Americas is a group of current and former heads of government from throughout the Americas. The Council's goals are to reinforce democracy and transparency in the Americas, help resolve conflict in the hemisphere, and advance regional economic cooperation and freer trade. The Council has been a pioneer in mediating and observing elections in: Panama (1989, 1994), Nicaragua (1990, 1996, 2001), the Dominican Republic (1990, 1996, 2000), Haiti (1987, 1990, 1995), Guyana (1992), Paraguay (1993), Peru (2000), Mexico (1994, 1997, 2000), Jamaica (1997, 2002), and Venezuela (1998, 2000). The Council is based at the Americas Program of the Carter Center. Dr. Jennifer McCoy, is director; Dr. Shelley McConnell is associate director; Ms. Laura Neuman, J.D. is senior program associate; and Mr. Daniel Gracia is program assistant.

Council of Presidents and Prime Ministers of the Americas – Members

Jimmy Carter, Chairman of the Council, former President of the United States of America (1977-81)
Said Musa, Prime Minister of Belize (1999-present)
P.J. Patterson, Prime Minister of Jamaica (1992-present)
Arthur Robinson, President and former Prime Minister of Trinidad and Tobago (1997-present 1986-1991)

Raúl Alfonsín, former President of Argentina (1983-89)
Nicholás Ardito-Barletta, former President of Panama (1984-85)
Oscar Arias Sánchez, former President of Costa Rica (1986-90)
Patricio Aylwin Azocar, former President of Chile (1990-94)
Belisario Betancur, former President of Colombia (1982-86)
Rafael Caldera, former President of Venezuela (1969-74, 1994-99)
Armando Calderón Sol, former President of El Salvador (1994-99)
Rodrigo Carazo, former President of Costa Rica (1978-82)
Fernando Henrique Cardoso, former President of Brazil (1995-2002)
Vinicio Cerezo, former President of Guatemala (1986-90)
Violeta Barrios de Chamorro, former President of Nicaragua (1990-96)
Joseph Clark, former Prime Minister of Canada (1979-80)
John Compton, former Prime Minister of St. Lucia (1987-96)
Leonel Fernández Reyna, former President of Dominican Republic (1996-2000)
Gerald Ford, former President of the United States of America (1974-77)
Eduardo Frei, former President of Chile (1994-2000)
Osvaldo Hurtado, former President of Ecuador (1981-84)
Luis Alberto Lacalle, former President of Uruguay (1989-94)
Jamil Mahuad Witt, former President of Ecuador (1998-2000)
Carlos Saúl Menem, former President of Argentina (1989-1999)
Alfonso López Michelsen, former President of Colombia (1974-78)
Valentín Paniagua, former president of Peru (2000-2001)
Andrés Pastrana Arango, former president of Colombia (1998-2002)
Carlos Andrés Pérez, former President of Venezuela (1974-79, 1989-93)
Ernesto Pérez Balladares, former President of Panama (1994-99)
Carlos Roberto Reina, former President of Honduras (1994-98)
Miguel Ángel Rodríguez, former President of Costa Rica (1998-2002)
Lloyd Erskine Sandiford, former Prime Minister of Barbados (1987-94)
Julio María Sanguinetti, former President of Uruguay (1985-89, 1995-99)
Edward Seaga, former Prime Minister of Jamaica (1980-88)
Juan Carlos Wasmosy, former President of Paraguay (1993-98)
Ernesto Zedillo Ponce de León, former President of Mexico (1994-2000)

Emeritus Members

George Price, former Prime Minister of Belize (1981-84, 1989-93)

In Memoriam

Errol Barrow, former Prime Minister of Barbados (1966-76, 1986-87)
Fernando Belaúnde Terry, former President of Peru (1963-68, 1980-85)
Ramiro de León Carpio, former President of Guatemala (1993-96)
Michael Manley, former Prime Minister of Jamaica (1972-80, 1988-92)
Daniel Oduber, former President of Costa Rica (1974-78)
Pierre Trudeau, former Prime Minister of Canada (1968-79, 1980-84)



OBSERVING THE 2002 JAMAICA PARLIAMENTARY ELECTIONS

APPENDIX B

MARGINAL SEATS (Margin of victory less than 1000 votes)

Constituency	1997 Elections				2002 Elections			
	Total Votes	% of voters	Diff. in votes	Elected Party	Total Votes	% of voters	Diff. in Votes	Elected Party
Clarendon North Central	11,320	72.8%	480	PNP	N/A	N/A	N/A	N/A
Clarendon North Western	13,407	71.9%	204	JLP	12,786	63%	684	PNP
Clarendon Northern	N/A	N/A	N/A	N/A	11,390	65%	627	PNP
Clarendon South Eastern	15,100	65.2%	54	PNP	15,565	59%	572	JLP
Hanover Eastern	N/A	N/A	N/A	N/A	11,146	63%	756	PNP
Manchester North Eastern	N/A	N/A	N/A	N/A	14,025	68%	858	JLP
Portland Western	N/A	N/A	N/A	N/A	11,436	67%	281	PNP
St. Andrew Eastern	11,228	62.8%	486	PNP	11,107	56%	586	JLP
St. Andrew East Rural	N/A	N/A	N/A	N/A	13,586	54%	564	JLP
St. Andrew North Central	9,651	61.4%	949	JLP	N/A	N/A	N/A	N/A
St. Andrew North Western	9,532	57.8%	876	JLP	N/A	N/A	N/A	N/A
St. Andrew West Central	10,911	56.1%	65	JLP	N/A	N/A	N/A	N/A
St. Andrew West Rural	14,067	56.4%	448	PNP	N/A	N/A	N/A	N/A
St. Andrew South Eastern	N/A	N/A	N/A	N/A	9,326	51%	856	PNP
St. Ann North Western	N/A	N/A	N/A	N/A	15,123	64%	202	JLP
St. Ann South Western	12,716	78.9%	614	PNP	N/A	N/A	N/A	N/A
St. Catherine North Eastern	9,673	68.4%	37	PNP	9,959	64%	683	JLP
St. Catherine West Central	11,514	58.9%	526	PNP	N/A	N/A	N/A	N/A
St. Elizabeth North Western	11,799	73.8%	504	JLP	11,116	66%	193	JLP
St. Elizabeth South Eastern	N/A	N/A	N/A	N/A	15,270	71%	82	PNP
St. Elizabeth South Western	15,406	80.9%	710	PNP	15,298	72%	110	PNP
St. James West Central	11,804	55.6%	627	PNP	N/A	N/A	N/A	N/A
St. James East Central	11,512	70%	699	PNP	N/A	N/A	N/A	N/A
St. Mary South Eastern	N/A	N/A	N/A	N/A	12,305	65%	385	PNP
St. Mary Western	N/A	N/A	N/A	N/A	15,672	63%	849	PNP
St. Thomas Western	15,410	63.5%	468	PNP	N/A	N/A	N/A	N/A
Trelawny Southern	10,593	78.9%	169	PNP	N/A	N/A	N/A	N/A

N/A= Not applicable in this election

Bold and italicized indicates marginal seats in both elections



OBSERVING THE 2002 JAMAICA PARLIAMENTARY ELECTIONS

APPENDIX C

Code of Political Conduct

1. Non-Violence and Non-Intimidation

- a) No person should engage in, adopt or otherwise encourage any form of violence or intimidation in their political activities.
- b) There should be no procurement or distribution of weapons or ammunition of any sort for use in political activities.
- c) No threats of violence or intimidation whatsoever, whether expressed or implied, should be made against anyone or any group of persons because of their political affiliation.
- d) No person should be forced, against their will, to declare their political affiliation or to acknowledge any affiliation whatsoever.
- e) Every individual should be free to go about his or her lawful business without restriction, harassment or intimidation and should actively discourage the erecting of roadblocks in this regard.
- f) Candidates or others acting on behalf of candidates must not use funds derived from any source, public or private, to improperly influence electoral choices.

2. Safety of Private and Public Property

No damage should willfully be done to any property, whether private or public, in the course of, or, as a result of any political event or activity.

3. Avoidance of Confrontation

- (a) Nothing should be done or encouraged which, it can be reasonably expected, will lead to volatile confrontation between opposing political factions.
- (b) Every effort must be made to avoid any act which is likely to be provocative or which will increase tensions between opposing political factions.

4. Public Utterances

Party officials (including platform speakers) should not make statements which:

- a) are inflammatory or likely to incite others to confrontation or violence;
- b) constitute slander or libel;
- c) are malicious in reference to opposing candidates, their family and Party officials

5. Freedom of Access

- a) Nothing should be done to unlawfully prevent or restrict anyone from canvassing or campaigning in any place.
- b) Nothing should be done to unlawfully restrict or jeopardize the movement along any public road, of anyone or any group of persons engaged in legitimate political activity.

6. Avoidance of defacing of Buildings or installations

- a) There should be no defacing of any structure, roadway or installation (whether privately or publicly owned) for the purpose of displaying any political message or slogan except in such manner as is permitted by law.



OBSERVING THE 2002 JAMAICA PARLIAMENTARY ELECTIONS

b) No action in relation to the distribution of any pamphlet, handbill, poster or any similar material shall be taken in such manner as would constitute a breach of the Anti-Litter Act.

7. Code of Ethics

In case of a breach or suspected breach, the two parties agree that each side will, firstly, consult with the other and, if necessary, invoke the intervention of the Tribunal before recourse of any other forum.

Nothing in the above should be deemed to mean that either side or any individual has relinquished ultimate recourse.

Rt. Excellent Sir Alexander Bustamante
Founder of the Jamaica Labour Party

People cannot cultivate with guns.

There is no need to fight your political opponents. Talk to them. Try to get them over to your side, but don't fight them.

Rt. Excellent Norman Manley
Founding President of the
People's National Party

Our political conduct must be kept out of the gutter where lies and slander and malice and intolerance reign. We must respect each other because we are all Jamaicans and all part of humanity.

Rt. Excellent Michael Manley
Former Leader of the People's National Party

An effective society is preserved when it is realised that every man is keeper of the public conscience.

Agreement and Declaration on Political Conduct

Principal Signatories

The Rt. Hon. Percival J. Patterson, QC. MP.
Prime Minister

The Rt. Hon. Edward G. Seaga, MP.
Leader of the Opposition

Witnesses

The Hon. Robert Pickersgill, MP.
Chairman, People's National Party

Sen. Ryan Peralto
Chairman, Jamaica Labour Party



OBSERVING THE 2002 JAMAICA PARLIAMENTARY ELECTIONS

APPENDIX D

Carter Center Team Deployment
Jamaica Elections
October 2002

<hr/> Kingston <hr/>		<hr/> St. Catherine <hr/>	
Team 1 <i>Central</i>	Gary Brana-Shute Rosemary Brana-Shute	Team 17 <i>Central</i>	Nicolas Fernandez Bravo Manfredo Marroquín
Team 2 <i>Eastern</i>	Roberto Courtney David Pottie	Team 18 <i>N. Eastern</i>	Miriam Kornblith Jeffrey Mapendere
Team 3 <i>Western</i>	Michael Collier Joyce Jones	Team 19 <i>S. Western</i>	Abigail Horn Clement Nwankwo
<hr/> Clarendon <hr/>		Team 20 <i>S. Central</i>	Hugh Cholmondeley Christiana Stevenson
Team 4 <i>Central</i>	Mary Ambeault Simon Boyle	<hr/> St. Thomas <hr/>	
Team 5 <i>S. Eastern</i>	Beatriz Bedoya Rodolfo Paiz	Team 21 <i>East/West</i>	Cristiana Chamorro Marcel Guzman de Rojas
<hr/> Manchester <hr/>		<hr/> Trelawny <hr/>	
Team 6 <i>Central</i>	Sherwood Lowe Rebecca Reichert	Team 22 <i>Southern</i>	Gordon Alphonso Maria Rubiales de Chamorro
<hr/> Hanover <hr/>		<hr/> Westmoreland <hr/>	
Team 7 <i>East/West</i>	Sara Tindall Ghazal Shana Laursen	Team 23 <i>Eastern</i>	Sika Awoonor Jeffrey Vasser
<hr/> St. James <hr/>		<hr/> Special Teams <hr/>	
Team 8 <i>E. Central</i>	Cedric Grant Ann Lewis	Team 24 <i>St. Andrew East Central</i>	John Hardman Scott & Michelle Livengood Alison Paul
Team 9 <i>W. Central</i>	Carolyn Parr George Lewis	Team 25	John Harker: Elections Centre
<hr/> St. Andrew <hr/>		Team 26	Tom Haney: Joint Command
Team 10 <i>Eastern</i>	Joaquin Daly Bob Patterson	Team 27	Ron Gould: Electoral Office
Team 11 <i>East Rural</i>	José Creamer Gail Duncan	Team 28	Mike Berkow: Joint Command
Team 12 <i>N. Central</i>	John Graham Casey Margard	<hr/> Leadership <hr/>	
Team 13 <i>S. Eastern</i>	Luis Alberto Cordero Amanda Sives	Team A	President Jimmy Carter Jennifer McCoy Nancy Konigsmark
Team 14 <i>W. Central</i>	Selwyn Ryan Jeff Kermode	Team B	President Miguel Angel Rodriguez Laura Neuman
Team 15 <i>W.Rural/West</i>	Paul Graham Anthony Payne		
<hr/> St. Ann <hr/>			
Team 16 <i>N.East/S. West</i>	George Jones Xandra Kayden		



OBSERVING THE 2002 JAMAICA PARLIAMENTARY ELECTIONS

APPENDIX E

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GENERAL ELECTIONS 2002

CLARENDON NORTH WESTERN CONSTITUENCY
POLLING DIVISION NO. 84

Voter's Number on Roll _____ TEAR HERE

CLARENDON NORTH WESTERN CONSTITUENCY
POLLING DIVISION NO. 84

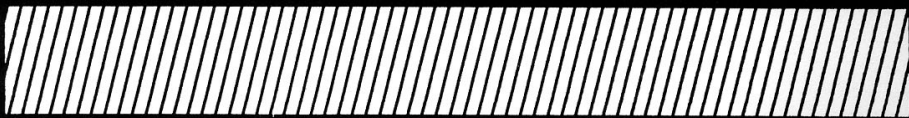
Space for Initials of P.O.

Polling Day 16th October, 2002
DO NOT FOLD BEYOND THIS LINE _____

CLARENDON
NORTH WESTERN
CONSTITUENCY

POLLING DIVISION
NO. 84

TEAR HERE



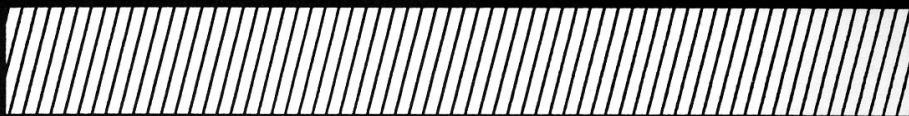
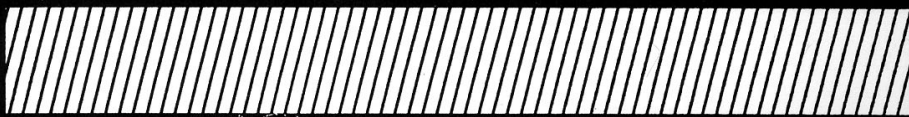
1 AZAN, RICHARD EDWARD
P.O. BOX 56 SPALDING, CLARENDON
BUSINESSMAN



2 STERN, MICHAEL A
MAIN STREET, FRANKFIELD P.O. BOX 15
BUSINESSMAN



3 STONE, CLIFTON G W
4 BEVERLY HILL DRIVE, P.O. BOX 199 KINGSTON 6
TRADE UNIONIST





OBSERVING THE 2002 JAMAICA PARLIAMENTARY ELECTIONS

APPENDIX F

CONSTITUENCY	JLP	PNP	NJA	OTHER	BALLOT REJECTS	TOTAL VOTES	# OF VOTERS	% VOTED
Clarendon								
Clarendon North Western	5877	6561	174	0	174	12786	20404	63%
Clarendon North Central	5867	4562	0	26	28	10483	17153	61%
Clarendon Northern	5333	5960	0	0	97	11390	17569	65%
Clarendon South Western	4971	6952	42	0	43	12008	18892	64%
Clarendon South Eastern	7997	7425	53	0	90	15565	26212	59%
Clarendon Central	6276	4121	0	0	48	10445	20890	50%
Hanover								
Hanover Eastern	5908	5152	0	27	59	11146	17821	63%
Hanover Western	5616	7381	41	0	387	13425	21188	63%
Kingston								
Kingston Central	3268	5434	0	25	241	8968	17128	52%
Kingston Eastern	1324	7791	31	25	480	9651	17976	54%
Kingston Western	11251	2099	0	19	67	13436	16580	81%
Manchester								
Manchester Central	7185	8307	103	0	108	15703	25198	62%
Manchester North Eastern	7411	6553	0	0	61	14025	20681	68%
Manchester North Western	4169	6881	80	0	47	11177	19091	59%
Manchester Southern	5656	8088	0	0	47	13791	21397	64%
Portland								
Portland Eastern	5781	8082	0	0	70	13933	24232	57%
Portland Western	5523	5804	0	62	47	11436	17195	67%
St. Andrew								
St. Andrew Eastern	5642	5056	326	0	83	11107	19893	56%
St. Andrew East Central	3467	6580	74	23	186	10330	22771	45%
St. Andrew East Rural	7023	6459	0	0	104	13586	25160	54%
St. Andrew North Central	5831	3425	88	0	110	9454	17288	55%
St. Andrew North Eastern	6033	2811	0	54	42	8940	16242	55%
St. Andrew North Western	5480	3708	153	15	59	9415	18316	51%
St. Andrew Southern	1220	12225	0	0	119	13564	18028	75%
St. Andrew South Eastern	4103	4959	127	0	137	9326	18325	51%
St. Andrew South Western	618	9716	0	0	149	10483	20102	52%



OBSERVING THE 2002 JAMAICA PARLIAMENTARY ELECTIONS

CONSTITUENCY	JLP	PNP	NJA	OTHER	BALLOT REJECTS	TOTAL VOTES	# OF VOTERS	% VOTED
St. Andrew Western	3985	6549	49	35	147	10765	24286	44%
St. Andrew West Central	6854	5436	39	82	112	12523	22370	56%
St. Andrew West Rural	8406	6640	164	34	105	15349	28170	54%
St. Ann								
St. Ann North Eastern	11155	981	31	29	72	21268	31632	67%
St. Ann North Western	7564	7362	72	45	80	15123	23594	64%
St. Ann South Eastern	4242	7419	25	0		11818	17994	66%
St. Ann South Western	6046	5022	33	0	52	11153	17311	64%
St. Catherine								
St. Catherine Central	9307	2965	131	0	91	12494	27216	46%
St. Catherine East Central	4249	6195	0	194	220	10858	20415	53%
St. Catherine North Eastern	5297	4614	0	0	48	9959	15600	64%
St. Catherine North Western	4604	6885	0	0	417	11906	23247	51%
St. Catherine Southern	6980	8513	121	85	110	15809	32190	49%
St. Catherine South Central	5579	7290	0	0	122	12991	23701	55%
St. Catherine South Eastern	5443	6805	0	80	544	12883	26073	49%
St. Catherine South Western	9305	8091	70	0	117	17583	30672	57%
St. Catherine West Central	6948	4244	0	0	138	11330	21278	53%
St. Elizabeth								
St. Elizabeth North Eastern	5232	8555	0	0	69	13856	22491	62%
St. Elizabeth North Western	5575	5328	0	0	213	11116	16918	66%
St. Elizabeth South Eastern	7425	7507	30	0	308	15270	21495	71%
St. Elizabeth South Western	7573	7683	0	0	42	15298	21365	72%
St. James								
St. James East Central	6394	5170	29	0	74	11667	18191	64%
St. James North Western	9654	7004	77	35	117	16887	31731	53%
St. James Southern	4544	6034	0	0	80	10658	18006	59%
St. James West Central	7098	5980	49	0	75	13202	23516	56%
St. Mary								
St. Mary Central	4746	7602	18	130	64	12560	19214	65%
St. Mary South Eastern	5796	6181	235	23	70	12305	18910	65%
St. Mary Western	7347	8196	37	23	69	15672	24792	63%
St. Thomas								
St. Thomas Eastern	6073	7399	35	0	41	16548	22295	61%
St. Thomas Western	8700	7390	0	0	123	16213	27064	60%
Trelawny								
Trelawny Northern	7840	9029	63	0	58	16990	25188	67%
Trelawny Southern	5947	4474	0	28	32	10481	15438	68%
Westmoreland								
Westmoreland Central	6640	9425	0	0	44	16109	28295	57%
Westmoreland Eastern	3809	8598	0	0	73	12480	21020	59%
Westmoreland Western	5376	8730	0	0	79	14185	24027	59%
Total Number of Votes	356325	391973	2619	1116	7134	759836	1300816	61.2%



OBSERVING THE 2002 JAMAICA PARLIAMENTARY ELECTIONS

APPENDIX G



**FOURTH STATEMENT BY THE CARTER CENTER
ON THE JAMAICAN ELECTIONS, 2002**

Summary. We commend the Jamaican voters for participating peacefully in an election day that was generally free of the violence marring it in elections prior to 1997. The Jamaican people made a clear call for change in the culture of violence, and the candidates have responded. We commend the leaders of the parties for their gracious and statesmanlike speeches last night, for their calls to work together for the good of the country, and for their joint pre-election statement calling for a peaceful election. The security forces played a professional role that contributed to an orderly process, and the Electoral Office of Jamaica and election workers performed steadfastly, sometimes in stressful situations. The leadership of the Electoral Advisory Committee and Director of Elections Danville Walker created the most trusted electoral process in Jamaica's modern history.

Jamaica has made strides in its electoral reforms, its innovative Elections Center, and in reducing the violence and intimidation. Nevertheless, more needs to be done to ensure that these reforms are institutionalized and that the culture of violence is transformed to a culture of respect and tolerance. We abhor the violence during the campaign period and the gunfire experienced on election day, and condemn the continuation of a system, often called "garrisons", that allows for intimidation and unfair electoral conditions with no respect for political rights of the political minority. It is now up to the newly-elected representatives to join the noteworthy efforts of civil society groups, the private sector, churches, and media to promote a new political culture.

Leading to election day, the delegation opened a field office prior to Nomination Day and deployed eight medium-term observers to monitor the campaign and electoral preparations. In addition, five specialists observed the work of the security forces, Elections Center, conflict resolution mechanisms in the constituencies, and the electoral office. This presence gave the team an in-depth understanding of the political and electoral process. We appreciate the warm welcome and cooperation of the Jamaican people and authorities to all of our observers, and we thank the observers for volunteering their time and expertise to serve so selflessly in the Carter Center's election observation mission.

Our preliminary reports indicate that the elections process adequately allowed Jamaican voters to freely choose their representatives. Any complaints and evidence of irregularities should follow the proper legal channels. The final outcome will, of course, need to await the official count and resolution of any grievances. Mr. Seaga has pledged to follow peaceful and legal procedures, and we urge all Jamaicans to recognize his lead and remain calm until the final vote process and challenges are complete.



OBSERVING THE 2002 JAMAICA PARLIAMENTARY ELECTIONS

Carter Center Election Delegation Findings. The delegation of 60 persons from 16 countries visited 864 polling stations in 29 constituencies. We found that the security forces were present in over 99% of the polling locations we observed, and that the designated polling officials were working in approximately 95% of the stations.

Party agents from at least two parties were present in 85% of the stations, which is an important check on possible manipulation of the process. Nevertheless, some urban centers continued to have only one political party represented, leading to a potential lack of complete transparency in those areas. The participation of CAFFE in nearly one-half of the stations that we observed shows the strong interest and dedication of citizens to participate to assure the integrity of their democracy.

The vast majority of the polling stations that we observed opened within an hour of the designated time, with only a four delayed more than two hours due to flooding, lack of security, or problems with the site. The electoral procedures preserving the secrecy of the ballot were followed in large part, but several other safeguards seemed to be less well understood by the election workers. We witnessed inconsistencies in checking hands for ink, presiding officer's initialing the ballots before voting occurred, checking to ensure that the ballot's counterfoil number correlates to the ballot given to the voter, and removal of the counterfoil after voting.

In all, the large majority of the stations that we observed functioned well or with only minor problems. However, we also witnessed a tense and intimidating climate.

Preliminary Conclusions of the Delegation:

1. The election preparations showed significant advances over the past. In particular, the state of the art voter's registry allowed all those Jamaicans who desired to vote the best opportunity to do so in Jamaica's recent history. The consultative process for verifying the voter's list, determining the location of polling stations, and vetting names of an entirely new pollworker force contributed to the confidence in this electoral process.

The cadre of 21,000 new election workers performed admirably under, at times, adverse conditions. The electoral authority supervisors were a great asset to the process, and we appreciated the high percentage of women acting to ensure the success of election day. It was clear to all of our observers the great professionalism and dedication that the election day workers exhibited. However, additional training in some aspects of election day procedures and closings or simplification of the processes is needed. Inconsistencies in running of the polling stations caused some of the planned safeguards to have no meaning.

Breaking up the large polling locations and reducing the number of polling station clusters could reduce disorderliness in some of those voting locations. We witnessed confusion on the part of some voters related to their particular voting station, and some who were turned away. The planned electronic transmission of information about election day performance and the vote count did not perform as expected.

2. Elections Center, bringing together the parties, electoral authorities, political ombudsman, security forces, and observers, was an innovative idea to allow for the immediate resolution of disputes and the dispelling of rumors that could create more havoc on election day and preceding it. It deserves to be further institutionalized in the future, with procedures and mechanisms developed, in order to serve as a model for Jamaica and other countries.



OBSERVING THE 2002 JAMAICA PARLIAMENTARY ELECTIONS

3. The security forces played an outstanding role on election day in maintaining peace and order, with few exceptions. The persistence of shootings, stonings, and other clashes during the campaign period and on election day, however, needs continued attention. The cooperative efforts of the electoral authorities, ombudsman, and police to restrict public events in the most volatile constituencies helped to contain these problems. The security forces took additional measures to curb any potential misconduct by its members, and these plans appeared successful. In some cases, more effective crowd control inside polling locations was needed.
4. The Code of Conduct and the office of the Political Ombudsman are an advance over the 1997 elections, illustrated by the signing of the Code by nearly all of the candidates well before election day, and by several candidates walking together for peace prior to and on election day. The parties complied for the most part with the rulings of the ombudsman on inflammatory advertisements and public utterances. We look forward to the full report of the Ombudsman and urge a more formalized mechanism for periodic release of information about the cases brought and considered and the resolutions adopted.
5. The occurrence of violence, though reduced, continues to be a serious concern in the Jamaican electoral process. Tragically, deaths continued during the election period, including a seven-person killing in Rockhall on election day, though almost all of the recent deaths may be attributed to criminal activity rather than political motivations. Gunfire was reported in a number of constituencies during the period for voting and assaults on candidates, party workers, and voters occurred throughout the process. These must be halted in the future. The Prime Minister's ban on post-election motorcades is a welcome attempt to prevent dangerous clashes between party supporters in the days following the election.
6. Intimidation of voters and pollworkers appeared to decrease relative to past elections, but is still a concern. Identification badges and wristbands for indoor and outdoor agents is an improvement. The fact that many agents declined to wear their party colors helped to decrease intimidation and undue influence. Nevertheless, in some areas, the dual problem of a failure to admit or provide indoor agents, and the existence of large concentrations of party supporters outside the polling areas may have served to inhibit others from entering poll stations. In a few of the polling locations that we visited, the "garrison effects" on voting continued with apparent flouting of electoral safeguards and influence on voters' choices still occurring.
7. Heavy rains in parts of the island caused some polling stations to open late or be moved to new locations and may have had an impact on voter turn-out. On the other hand, the rains may have also helped to diminish tensions and the potential for violence on election day and evening.

Jamaica, with a forty-year history of vibrant democracy, is at a turning point to transform its culture of violence. A mostly peaceful election day is proof that it is possible to change. The energetic efforts of civic and religious groups made clear the desire for change by Jamaican citizens, and political leaders heeded that call by committing to peace during the campaign. We applaud the Prime Minister's call for unity and transparency and urge that all the political leadership embrace these principles to finally allow Jamaica to turn the corner on violence and intolerance.

We have been privileged to witness a hard fought and close election, and we thank all those Jamaicans who welcomed us with such open hearts and hands.

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THE CARTER CENTER AT A GLANCE

Overview: The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide. A nongovernmental organization, the Center has helped to improve life for people in more than 65 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; improving mental health care; and teaching farmers to increase crop production.

Accomplishments: The Center has observed 45 elections in 23 countries; helped farmers double or triple grain production in 15 African countries; mediated or worked to prevent civil and international conflicts worldwide; intervened to prevent unnecessary diseases in Latin America and Africa, including the near eradication of Guinea worm disease; and strived to diminish the stigma against mental illness.

Budget: \$33.9 million 2001-2002 operating budget.

Donations: The Center is a 501 (c)(3) charitable organization, financed by private donations from individuals, foundations, corporations, and international development assistance agencies. Contributions by U.S. citizens and companies are tax-deductible as allowed by law.

Facilities: The nondenominational Cecil B. Day Chapel and other facilities are available for weddings, corporate retreats and meetings, and other special events. For information, (404) 420-5112.

Internships: The Center's internship program has been rated one of America's best by the Princeton Review.

Location: In a 35-acre park, about 1.5 miles east of downtown Atlanta. The Jimmy Carter Library and Museum, which adjoins the Center, is owned and operated by the National Archives and Records Administration and is open to the public. (404) 331-3942.

Staff: 150 employees, based primarily in Atlanta.



MARTIN FRANK

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THE
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